Supreme Court, U.S.
FILED
DEC 16 1992
OFFICE OF THE CLERK

92-1091

NO.
92-1091

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1992

TO THE HONORABLE JUSTICE CLARENCE THOMAS, JUSTICE SUTER , JUSTICE ~~SCALIA~~

CLARENCE H. HOLDING, DBA. ,
CLARENCE H. HOLDING & COMPANY, PETITIONER,

VS.

LEWIS W. BROTHERS, JR., MAX ZOECHLER, JOHN W. PARTHUM, BRIAN SILVERMAN, MADELINE T. WATTS,
RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF VIRGINIA

PETITION FOR WRIT OF CERTIORARI

Clarence Houston Holding

CLARENCE H. HOLDING PRO SE
ROUTE1 BOX 2
MOUNT PLEASANT PLANTATION
HAGUE, VIRGINIA 22469
(804) 472 2026

COUNSEL PRO SE FOR PETITIONER

RECEIVED
DEC 18 1992
OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTIONS PRESENTED TO THE COURT FOR REVIEW

1WHEN JURY TRIAL IS DENIED , AFYER REPEATED ORAL REQUESTS FOR JURY TRIAL , AND MANY PLEADINS DEMANDIND JURY TRIAL WHICH WAS EITHER ADNORED OR REFUSED WHICH IS GUARANTEED BY 7th AMENDMENT TO U.S. CONSTITUTION GROUNDS FOR JUDG ment or new trial.

2. IS COMFLICT OF INTEREST BY THE JUSTICES OF SUPREME COU RT SUBJECT TO JUDGMENT OR NEW TRIAL . EVEN WHEN BROUGHT TO THEIR ATTENTION BEFORE ISSUING THEIR ORDERS ISSUED ORDERS WITH THE JUSTICE IN CONFLICT OF INTEREST ON THE THE BENCH . CGASE OF JUSTICE LACY WHO WAS JUDGE ON THE STATE CORPORATION COMMISSION BEFORE COMMING TO SUPREME COURT. JUDGE LACY WORKED WITH BROTHERS, ZOECKLER, PARTHUM, SILVERMA AND WERE and now N, FOR THEY ARE/MEMBERS OF THE STATE CORPORATION COMMISSION, SECURITIES DIVISION . THUS MAKING A CONFLICT OF INTEREST. JUDGE POFF AND JUDGE CHRISTINE AFTER BEING INFORME OF THE CONFLICT OF INTEREEST MADE 5 DECESIONS AFTER HAVING KNOW LEDGE OF ITWHICH MAKES THEM ACCOMPLISHERS IN THE CONFLICT OF INTEREST . AT THE HEARING july 29, JULY 30 AND 3 other TIMES LATER WITH THE ORDERS ISSUE ON AUGUST 14, 1992, SEPTEMB ER 12,9992 (1992) . WHICH GIVES WAY FOR JUDGMENT FOR HOLDING OR GRANTING NEW TRIAL .

TRIAL
3JUDGE WAS BIAS, PREDJICE, UNFAIR, PRO DEFENDANTS, WOULD NOT LLOW JURY TRIAL , WOULD NOT ACCEPT THE STATEMENT OF FACT

S FOR APPEAL TO SUPREME COURT OF VA. WOULD TRY TO FX ACCEPT ABLE STATEMENT , FOR REDORD OR HELP CURE IT.

$.THERE WERE NO FACT FINDING PROBES . THERE WERE NO EVIDEN VE ALLOWED , OR WITNESSES TO TESTIFY , NO DEFENDANTS, NO PART ICIPANTS ALLOWED TO TESTIFY, LIKE SHERIFF OG ESSEX COUNTY AND COMMONWEALTH ATTORNEY WHO WERE A PART OF THE CASE. NO EVIDENC CE WERE TAKEN , GIVEN, ALLOWED. , NO STATEMENTS AS TO THE FACTURAL ISSUES OF THE CASE. NO HEARINGS ON FACT FINDINGS,

THE DECISIONS REACHED BY THE COURT THOUGH ENTIRELY ERR ONEOUS WERE BASED UPON PLEADINGS,, MOTIONS,OBJECTIONS BY THE PARTIES ,WHICH WERE OF NO VALUE. JUDGE SPRUILL WAS IN A HURRY TO DENY MR. HOLDING JUSTICE AND JUDGMENT, DAMAGES. A GREAT CASE OF ABUNDANCE OF ABUSE OF PROCESS. THIS LEADS TO JUDGMENT FOR HOLDING OR GRANT OF NEW TRIAL .

5. VIOLATION OF SEC 18.2-499 & 500)F THE CODE OF VA1950 AS AMENDED. CONSPIRACY. THE DEFENDANTS IN COLLUSION DID CONSPIRE IN CONSPIRACY TO HARM MR HOLDING AND DID.

6 . MISUSE OF SEC 8.01-271,1 OF VA CODE 950 . WHEN JOHN WARE USED THE STATUTE TO LIE ABOUT THE PLEADINGS OF HOLDING IN ORDER 12/12/91 , 1/3/92; 3 /6 /92 ORDERS IN TRIAL COURT AND WAS AWARDED $250, $500 SANCTIONS AGAINST HOLDING ILLEGALLY BY LYING WHEN HOLDING HAS BEEN WORKING WITH THE LAW FOR 43 YEARS PROBABLY LONGER THAN WARE IS OLD. SHOULD REVERSED JUDGMENT FOR HOLDING

/KHOWINGLY INTENTIOAL
7. R. MCKENNEY COUNSEL FOR BROTHERS ET AL LIED IN WRITING THE ORDERS ON 12/12/91; 1/3/92; 3/6/93 EVEN USED STATUTE TO DISPENBE WITH ENDORSEMENT SO MR. HOLDING WOULDN,T HAVE LEGA GAL RIGHT TO SEE AND ENDORSE OR CORRECT THE ORDERS HE WAS LYING AND ORDERS WHICH WERE ERROEOUES , WITHOUT MERIT, OUT RIGHT FALSE. THESE ORDERS SHOULD BE REVERSED AND JUDGMENT FOR HOLDING OR NEW TRIAL .DELIBERATE USE OF STATUTE FOR CLIENT.

8.
8VIOLATION OF SEC 8.01-243 OF THE CODE OF VA. 1950 PERSONAL INJURIES 2 YR LIMITATIONS , B. INJURIES TO PROPERTIES 5 YEARS ORDER DATED 12/12/92 IS ERRONEOUS WITHOUT MERIT SHOULD BE REVERSEDAND JUDGMENT TO HOLDING. ABUSE OF PROSECUTION.

PUBLISHER'S NOTE:

ORIGINAL PAGINATION IS NOT CONTINUOUS.

INDEX

1. QUESTIONS PRESENTED

2. TABLE OF AUTHORITIES

3. OPINIONS BELOW

4. CONSTITUTIONAL PROVISIONS INVOLVED

5. JURISDICTION

6. STATEMENT OF FACTS

7. STATEMENT OF THE CASE

8. REASONS FOR GRANTING THE WRIT

9. SUMMARY OF ARGUMENTS

10. ARGUMENTS

11. CONCLUSION

12. CERTIFICATE OF SERVICE

13. APPENDIX

ABLE OF CITATIONS

. ANDERSON V HYGEIA CO. 92VA 687 ,24SE269 (1896)2yr ST L PERS INJURY

. ALMOND V KENT 321 to SUPP 1225 (1970) PROPERTY INJURY 5YR S

. ATKINS V SCHMITZ MFG CO 435 f 2d 527 (4th CIR 1970)40 2 US 992,988T 1526 1921 PERSONAL INJURY 2 YR S L

4. BIRMINGHAM V C&O RY 98VA548,376S17(1900) 2 YR ST OF L PERSONAL INJURY

5.
DILLINGHAM V. HALL 235VA 1,3, 365SE 2d738,739(1976) 2YR S O L PERS INJ

6. DREYFUS & CO V WOOTEN 23VA 42,93SE235(1918) 2YR SofL PERS INJURY.

7. FBC STORES V. DUNCAN 214VA 246 ,251, 1?98SE2d595,597(1973) 2 YR S O L PERS INJURIES.

8. GIANT OF VA V PIGG 207VA679,152SE 2d271(1983) 2YR SOL PER INJ

9. 5 YR S O L INJURY TO REPUTATION, TRADE, BUSINESS SEC18.2-499 500 FEDERATED GROPHICS CO.V. NAPOTCS 44F SUPP,291 CED VA(1976) ACTION FOR CONSPIRACY.

10. FREIDMAN V PEOPLES DRUG STORE 208VA700,160SEed563(1968) OBJECT MOTION FOR JUDGMENT NOT FOTM DETERMINES ST OF LIM

11. HINES V GRAVES 136VA313, 112SE869(1922) PERS INJ 2YR

12. JORDON V MELVILLE SHOE CO 150VA101,142SE387(1925) COMPENS DAMAGES.

13. KEEP V SHELL OIL CO 220VA587,260SE2d72(1979) INJURY TO PROPERTY CARRIES 5 YR ST OF LIM

14.
LAMBERT V. BD OF SUPR 14VA62, 124SE264(1924)

15. MIZE V HARTFORD INS CO 567FSUO 550(WOVA 1982) GUARANTEED CNST OF JURY TRIAL

16. MOORE V JEFFERSON HOSP 208VA95, 10856 2d385(1939)CMP DAM

17 NACCASH V BURGER 223VA406, 290SE2d825 (1982)

8. NEWS LEADER CO. V KOEN 173VA95,108SE2d385(1939) COMPEN DAM NO MALICE NEEDED

9. NORFOLK RY CO V SPRATLEY 130VA379,495SE502(1905)PL RECOVER NATURAL AND PROXIMATE DIR PROOF NOT NEEDED

10. SANFORD V WARD 191VA73, 605SE2d10(1950) NATURAL AND PROBABLE RESULT

11. SEALAND SERV INC. V ONEAL 224VA[illegible],297SE2d647(1982) INTENT IAL TORT NO PHYSICAL INJ COMPENS DAMAGES RECOV

12. SAFETY MOTOR TRANSIT CORP V CUNNINGHAM 10 VA356,171 432 (19 33) PERS INJ 2 YR ST OF LIM.

13. WATFORD V MORSE 202VA605, 118SE2d681(1961) PERS INF 1 YR ST OF LI.

14. MONAK V ELRIDGE 214VA338,210SE2d145(1974) RECKLESS OTR CAUS EXTRAORD EMOTIONAL DISTRESS

15. WEATHERFORD V BRITCHETT 158VA741,746 , 164SE539 (1932) PUNITIVE DAMAGES.

16. JEBB V JENKINS 194 VA704,74SE2d79(1932) PUN DAMAGES.

17 ALL CASES IN OTHER STATES AND THE FEDERAL COURTS-DISTRICT, COURT OF APPEALS , U.S. SUPREME COURT THAT ARE RELATIVE AND THOSE THAT HAVE DEALT WITH OR EXPANDED, REDEFINED THE LAWS STATUTES OR OTHERWISE THAT RELEFT THE WISDOM OR JUSTICE OF THIS CAUSE OF ACTION AND HAVE THUS CHANGED OR STRENGTHEN THE JUDGMENTS OR COMMON LAW.

CONTENTS

	PAGE
1. PETITION FOR WRIT OF CERTIORARI	1
2. QUESTIONS PRESENTED	i,ii,iii
3. INDEX	iiii
4. CONTENTS	iiiii
5. TABLES OF AUTHORITIES	iiiiii
6. TABLE OF CITATIONS	iiiiiii
7.JUDGMENTS TO BE REVIEWED	2
8.JURISDICTION	2
9.CONSTITUTION ISSUES ENVOLVED	3
10 STATE STATUTE ENVOLVED	4
11 CONCISE STATEMENT OF THE CASE	5
12. SUMMARY ARGUMENTS	6
13.CONCLUSION	7
14 SIGNATURE	8
15 CERTIFICATE OF SERVICE	9

APPENDIX

1. NOTICE OF APPEAL	A.
2. ALL ORDERS OF SUPREME COURT OF VA.	B.
3. ALL ORDERS OF TRIAL COOURT	6
4. MOTION FOR JUDGMENT	D
5. AFFIDAVIT	E
6. DOCTORS REPORT	F

JUDGMENTS SOUGHT TO BE REVIEWED ARE SET FORTH: ENTRIES;

1. SUPREME COURT OF VIRGINIA, FRIDAY SEPTEMBER 18th, 1992. REHEARING.

2. SUPREME COURT OF VIRGINIA, FRIDAY AUGUST 14th, 1992 PETITION FOR APPEAL.

3. SUPREME COURT OF VIRGINIA, FRIDAY AUGUST 14, 1992, DEMAND JUDGMENT ON APPEAL

4. SUPREME COURT OF VIRGINIA, FRIDAY AUGUST 14, 1992 DEMAND JUDGMENT OF MANDAMUS.

5. SUPREME COURT OF VIRGINIA, TUESDAY, MARCH 17 1992 DEMAND JUDGMENT FOR JUDGE J.E. SPRUILL TO DISQUALIFY HIMSELF BECAUSE OF BIAS, PREJUDICE, PRO DEFENDANTS, UNFAIR, DENIED JURY TRIAL. UNABLE TO GET A FAIR TRIAL.

6. CIRCUIT COURT OF WESTMORELAND COUNTY, NOVEMBER 13,1991.

7. CIRCUIT COURT OF WESTMORELAND COUNTY, DECEMBER 12,1991.

8. CIRCUIT COURT OF WESTMORELAND COUNTY, JANUARY 6,1992.

9. CIRCUIT COURT OF WESTMORELAND COUNTY, JMARCH 6, 1992.

THE STATUTE PROVISIONS AND ALL AMENDMENTS RELIED ON.

ALTHOUGH THIS CAUSE IS NOT IN THE U.S. COURT OF APPEALS THE CASE IS OF SUCH PUBLIC IMPORTANCE AS TO JUSTIFY DEVIATION FROM NORMAL APPELLATE PRACTICE AND REQUIRE IMMEDIATE SETTLEMENT IN THIS COURT.

THE SUPREME COURT, THE STATE CORPORATION COURTS,

OPINIONS TO BE REVIEWED CONT,D

LOWER COURT : CIRCUIT COURT OF WESTMORELAND COUN TY ORDERS : MARCH 6, 1992; JANUARY 6,1992; DECEMBER 12,1991 RESPECTFULLY .

OPINIONS BELOW SET FORTH WITH DATES ABOVE.

JURIEDICTION

RULE 10 OF RULES OF SUPREME COURT U.S.

CONSIDERATIOS GOVERNING REVIEW ON WRIT OF CERTIORARI :

1. A REVIEW OF CERTIORARI ON WRIT IS NOT A MATTER OF RIGHT, BUT OF JUDICIL DISCRETION ; WILL BE GRANTED . ONLY WHENTHERE ARE SPECIAL REASONS THEREOF.THE FOLLOWING N.. CONTROLLING NOR FULLY MEASURING THE COURTS DISCRETION, INDICATE THE CHARACTER OF REASONS THAT WILL BE CONSID ERED : (a) HAS RENDERED A DECISION IN CONFLICT WITH THE DECISION OF ANOTHER U.S. COURT , OR HAS DECIDED A FED ERAL QUESTION WITH A STATE COURT OF LAST RESORT; OR HAS SO FAR DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS ,OR SANCTIONED SUCH DEPARTURE BY A LOWER COURT ,AS TO CALL FOR AN EXERCISE OF THIS COU T, POWER OF SUPERVISION.

(b) WHEN A STATE COURT OF LAST RESORT HAS DECIDE D A FEDERAL QUESTION IN A WAY THAT CONFLICTS WITH THE

DECISION OF ANOTHER STATE COURT OF LAST RESORT OR OF A UNITED STATES COURT OF APPEALS.

(c) WHEN A STATE COURT OR A UNITED STATES COURT OF APPEALS HAS DECIDED AN IMPORTANT QUESTION OF FEDERAL LAW WHICH HAS NOT BEEN , BUT SHOULD BE SETTLED BY THIS COURT, OR HAS DECIDED A FEDERAL QUESTION IN A WAY TH AT CONFLICTS WITH APPLICABLE DECISIONS OF THIS COURT.

MR, HOLDING INVOKES ALL OF THE HEREFORE S STIPULAT ED AND THE QUESTIONS ARE VALID AND VERY IMPORTANT, IN ALSO THE SUPREME COURT OF VIRGINIA DELIBERATE VIOLATI ONS OF THE CONFLICT OF INTEREST LAWS BY ALLOWING SUPREME COURT JUDGE LACY MAKING A QUORUM WITH, JUSTICE POFF. JUSTICE CHRISTINE . JUSTICE LACY WAS A JUDGE WITH THE STATE CORPORATION COMMISSION OF VIRGINIA FOR MANY YEARS BEFORE SHE WAS APPOINTED TO THE SUPREME COURT OF VIRGINIA, AND WORKED , SURPERVISED , INSPECTIONS FOR MANY YEARS WITH THE DEFENDANTS (RESPONDANTS) LEWIS BR OTHERS, DIRECTOR OF SECURITIES DIVISION RETAILING, MAX ZOECHLER, SUPERVISION, JOHN W. PARTRUM, CHIEF EXAMI NERS, BRIAN SILVERMAN . JUDGE LACY MADE DECISIONS IN THE ORDERS OF THE CASES BEFORE THE COURT WHICH HOLDING WAS PLANTIFF, APPELLANT, PETITIONER.

CONSTITUTIONAL ISSUES ENVOLVED U.S. & VIRGINIA

1. 7th AMENDMENT, US IN SUITS AT COMMON LAW, WHERE THE V[illegible] VALUE IN CONTROVERSEY SHALL EXCEED TWENTY (20) , THE RIGHT OF TRIAL BY JURY SHALL BE PRESERVED , SHALL BE OTHERWISE RE-EXAMINE IN ANY COURT OF THE UNITED STATES, THEN ACCORDINGLNG TO THE RULES OF COMMON LAW.

TRIAL BY JURY WAS REQUESTED IN THE BEGINNING IN COURT AND PLEADINGS AND ALSO DURING THE HEARING THROUGH OUT TO THE END WHILE IN THE CIRDUIT COURT OF WESTMORELAND COUNTY. TO NO AVAIL . THE JUDGE ADNORED THE REQUEST, WAS BIAS , PREJUDICE, PRO DEFENDANTS UNFAIR, PREVENT ING THE PLANTIFF FROM GETTING FAIR TRIAL GUARANTEED BY THE CONSTITUTION. DELIBERATE AND INTENTIONAL, KNOWN INGLY .

2. 14th AMENDMENT U.S. NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH WILL ABRIDGE THE PRIVILEGES OR IMMUNITIES OF THE UNITED STATES OF AMERICA : NOR SHALL ANY STATE DE PRIVE ANY PERSON OF LIFE, LIBERTY , OR PROPERTY, WITHOUT DUE PROCESS OF LAW; NOR DENY ANY PERSON WITHIN ITS JUR IS DICTION THE EQUAL PROTECTION OF THE LAWS. ALL PERSONS BORN OR NATURALIZED IN THE UNITEDSTATES AND SUBJECT TO THE JURISDICTION THEREOF, ARE CITIZENS OF THE UNITED STATES AND OF THE STATE WHEREIN THEY RESIDE
THE DUE PROCESS VIOLATIONS ARE ENUMERATED IN THE CASE

THE STATE STATUTES ENVOLVED

1. SEC 8.01 -243 c ode of Virginia, AMENDED A. ALL PERSONAL INJURIES , WHATEVER THE THEORY OF RECOVERY SHALL BE BROUGHT WITHIN(2) YEARS AFTER THE CAUSE OF ACTIONS SHALL ACCRUED. HOLDING BROUGHT HIS CASE 2 YEARS AFTER THE INJURY HAPPENED OR ACCRUED , ON NOVEMBER 2, 1989 THE ACTION WAS BROUGHT NOVEMBER 3, 1991 WITHIN THE STATUTE OF LIMITATION. B. EVERY ACTION FOR INJURY TO PROPERTY BE BROUGHT WITHIN 5 (15) YEARS NEXT AFTER THE CAUSE OF ACTIONS SHALL HAVE ACCRUED. PROPERTY INJURES WERE BROUGHT WITH THE PERSONAL INJURIES AGAINST THE DEFEND ANTS

2. SEC 18.2 - 499 ; 18.2- 500 CODE OF VIRGINIA AMENDED. ACTIONS FOR CONSPIRACY TO INJURE ANOTHER , REPUTATION, TRADE, BUSINESS (ES) , ESTATES, ETC. DOES SURVIVE, AND IS TIMELY BROUGHT WITHIN(5 FIVE) YEARS AFTER THE CAUSE OF ACT IONS SHALL HAVE ACCRUED . IN THIS CASE BOTH PERSONAL AND PROPERTY INJURIES WERE BROUGHT AT THE SAME TIME . LEWIS BROTHERS, JR. , MAX ZOECKLER, JOHN W. PARTHUM, BRIAN SILVERMAN , MADELINE T. WATTS DID UNEQUIVALLY CATERGORICALLY WITH NO (RESERVATIONS) OR CONCERN , DID IN COLLUSION PLAN, CONNIVE , INTENTIONALL DELIBERATELY (WITH) MALICE IN

A COMSPIRACY TO PRODUCE UPON MR. HOLDING PERSONAL AND DID INFLICT IN
JURIES AND INJURIES TO HIS BUSINESSES, HIS ESTATES,
HIS TRADE, HIS REPUTATION which is UNBLEMISHED OF IMPECCABLE
INTEGRITY FOR 71 YEARS , INTERNATIONALLY, PROFESSIONS,
FAMILIES, MEMBER IN THE COMMUNITY IN VIRGINIA AND THE
WORLD , HIS FRIENDS,ASSOCIATES,OWNER OF A BROKERAGE SEC
URITIES FIRM AND MANAGEMENT . MR HOLDING WAS ~~INFLICTED WITH~~ THESE PERSONAL INJURIES
AND INJURIES TO PROPERTIES, REPUTATION ARE PERMANENT
IRREPARABLE AND I EMPHASIZE CAN NEVER BE CURED OR RE
PAIRED WHICH HAS DESTROYED HIS INTEGRITY, HIS BUSINESSES,
HIS REPUTATION , CHARACTER(SPOTLESS) AND FOR OF FORTY THREE
YEARS WITHOUT ONE SINGLE COMPLAINT AND MR. HOLDING
PAID THE PRICE FOR SUCH AN OUTSTANDING INTEGRITY,
CHARACTER, REPUTATION WHICH WAS DESTROYED BY THE
DEFENDANTS WHO ARE HAPPY AND WHO REJOICE BY THE PERSONAL
INJURIES AND INJURIES TO HIS BUSINESSES, PROPERT
IES, ESTATES, REPUTATION , AND TRADES. IT IS THE INFKICTED ON MR. HOLDING
MOST HEINOUS CRIME ANYONE CAN AND WOULD PERPERTRATE ON AN
OTHER AND THEN BRAGG ABOUT IT WITH BRAZEN ARROGEN
CY; THEN BE CONDONED, APPROVED, SUPPORTED, APPROVED
BY THE JUDGE OF THE CIRCUIT COURT OF WESTMORELAND
COUNTY AND THE JUDGES OF THE VIRGINIA SUPREME COURT.
THESE COURTS ARE THE MOST CORRUPT COURTS IN THE COUNTRY
WITH NO CONSCIENCE OR REGRETS OR CONCERN, NO INTEGRITY.

3. SEC 8.01-271.1 EVERY PLEADING WRITTEN, AND OTHER REPRESENTED PAPER OF A PARTY/BY AN ATTORNEY SHALL BE SIGNED BY AT LEAST ONE ATTORNEY OF RECORD IN HIS INDIVIDUAL NAME , AND THE ATTORNEY,S ADDRESS SHALL BE STATED ON THE FIRST PLEADING FILED BY THAT ATTORNEY IN THE ACTION, A PARTY WHO IS NOT REPRESENTED BY AN ATTORNEY SHALL SIGN HIS PLEADING, MOTION, OTHER PAPER AND STATE HIS ADDRESS.

THE SIGNATURE OF AN ATTORNEY OR PARTY CONSTITUTES A CERTIFICATE BY HIM1THAT HE HAS READ THE PLEADING, MOTION ,OR OTHER PAPER,ii TO THE BEST OF HIS KNOWLEDGE ,INFORMATION, AND BELIEF, FORMED AFTER REASONABLE INQUIRY IT IS WELL GROUNDED IN FACT AND IS WARRANTED BY EXISTING LAW OR A GOOD FAITH ARGUMENT FORTH EXTENSION , MODIFI CATION , OR REVERSAL OF EXISTING LAW, AND(iii) IT ISH NOT INTERPOSED FOREATY IMPROPER PURPOSE, SUCH AS TO HARASS OR TO CAUSE UNNECESSARY DELAY OR NEEDLESS INCREASE IN THE COST OF LITIGATION ,IF A PLEADING, WRITTEN MOTION, OR OTHER PAPER IS NOT SIGNED, IT SHALL BE STRICKEN UNLESS SIGNED PROMPTLY AFTER THE OMMISSION IS CALLED TO THE ATTENTION OF THE PLEADER OR MOVANT.

ORDER"DATED 12/12/91 GAVE WATTS $250 AS VIOLATION OF SEC OF 8.01-271.1 BY WARE PLEADING A BOLD FACE LYE USING THIS STATUTE ON HOLDING,S MOTION FOR JUDGMENT AND AFF IDAVIT WHEN FIRST FILED ON 2/3/91/(MART 3,1991) WHEN MR HOLDING HAS HAD 43 YEARS WITH THE LAW. IMPOSSIBLE. WARE SHOULD BE DISBARRED FOR SUCH A LIE AND MISCONDUCT • CASES IN SUPPORT SANCTIONS AGAINST ATTORNEY REVERSED TULLIDGE V SUPVR (BD) OF 239VA611,391SE2D1288(1990) ; COUNTY PRINCE WILLIAM V RAU 239VA616,3912d 290(1990) TR CT ERROR

PETITION FOR CERTIORARI

IN THE UNITED STATES SUPREME COURT IN

WASHINGTON, D.C.

PETITIONER, CLARENCE H. HOLDIND dba CLARENCE H. HOLDING & COMPANY RESPECTFULLY PRAYS IN THE INTEREST OF THE WELFARE AND IN RESPECT FOR THE 43 YEARS OWNER AND OPERATOR OF A BROKERAGE SECURITIES FIRM IN VIRGINIA AND NORTH CAROLINA, REAL ESTATE AND OTHER BUSINESSES BY CLARENCE H. HOLDING AND JUSTICE , THAT A WRIT OF CERTIORARI BE FORTH COMMING TO REVIEW AND NEEDS THE ATTENTION OF THE SUPREME COURT IN WASHINGTON , THE CAPITOL.

THE OPINIONSAND JUDGMENTS OF THE SUPREME COURT OF VIRGINIA : FRIDAY SEPTEMBER 18th , 1992 REHEARING PETITION. FRIDAY AUGUST 14,1992. APPEAL PETITION. FRIDAY AUGUST 14th DEMAND JUDGMENT. 1992 . FRIDAY AUGUST 14,1992 DEMAND JUDGMENT ON MANDAMUS. MARCH 17th TUESDAY 1992 DEMAND JUDGMENT FOR JUDGE J.E. SPRUILL TO DISQUALIFY

A CONCISE STATEMENT OF THE CASE

ON MARCH 12, 1992 CLARENCE H. HOLDING FILED WITH CHIEF JUSTICE CARRICO OF THE SUPREME COURT OF VIRGINIA A MOTION TO DISQUALIFY JUDGE J.E. SPRUILL JR. FROM PARTICIPATIND IN THE ABOVE CAPTIONED CASE, BECAUSE HE HAD MADE ERRONEOUS DECISIONS, WAS UNFAIR , WAS PREJUDICE, WAS BIAS , PRO DEFENDANTS AND TOTALLY UNFIT TO HEAR THE CASE AND DEMANDED HE APPOINT A NEUTRAL JUDGE WHO WOULD ALLOW A JURY TRIAL WHICH WAS REFUSED BY JUDGE SPRUILL. JUDGE CARRICO DENIED THE SAID "THE MOTION".

ON JULY 29,1992, AND AGAIN JULY 30, 1992 JUSTICE CHRISTINE, JUSTICE POFF, JUSTICE ELIZABETH LACY SITTING IN QUORUM, JUDGE CHRISTINE PRESIDING IN CHARGE MADE DECISIONS AGAINST MR. HOLDING WITH THE ORDERS ISSUED ON AUGUST 14,1992

THESE ORDERS ARE :

UPON A PETITION FOR WRIT OF MANDAMUS TO COMPEL JUDGE SPRUILL TO SIGN THE STATEMENT OF FACTS OF THE CASR AND PRESSENT IT TO THE COURT FOR RECORD, THE COURT IS OF THE APINION THAT A WRIT OF MANDAMUS SHOULD NOT ISSUE AS PRAYED FOR. IT IS THEREFORE ORDERED THAT THE MANDAMUS BE DISMISSED. AND THE THE JUDGE RECOVER THE COSTS BY HIM EXPENDED ABOUT HIS DE DEFENSE. THE ORDER ISSUED AUGUST 14,1992.

ALL THESE CASE WERE BECAUSE OF JUSTICE LACY PARTICIPATING IN THE DECISIONS HEREWITH , MR . HOLDING PETITIONED

THE COURT FOR DEMAND JUDGMENT. ON AUGUST 10,1992 CAME THE THE PETITIONER IN PROPER PERSON , AND FILED A DEMAND JUDGME NT IN THE CASE AFTER LEARNING JUSTICE WAS PARTICIPATING IN THE DEDISIONS BECAUSE SHE HAD A CONFLICT OF INTEREST. JUDGE LACY WAS A JUDGE AT THE STATE CORPORATION COMMISSION OF VIRGINIA. THE DEFENDANTS ARE MEMBERS OF THE STATE CORPORATION COMMISSION FOR SOME TIME AND ASSOCIATED WITH JUDGE LACY BEFORE SHE CAME TO THE SUPREME COURT OF VIRGINIA ABOUT TWO YEARS AGO .

THEREFORE JSUTICE LACY CAUSES A CONFLICT OF INTEREST , AND SHE KNOWINGLY AND WITH THE KNOWLEDGE OF JUSTICE POFF AND JUSTICE CHRISTINE AND THEIR CONSENT AND APPROVAL MAKES THE CASES SET FORTH HERE NULL AND VOID BECAUSE OF COMFLICT OF INTEREST AND FURTHERMORE VIOLATED MR. HOLDING,S CONSTITUT IONAL RIGHTS OF DUE PROCESS GUARANTEED BT THE 14th AMENDMENT TO THE U.S. CONSTITUTION AND ALSO THE VA CONSTITUTION .

order made AUGUST 14,1992.

UPON REVIEW OF THE RECORD IN THIS CASE AND CONSIDERATION OF ARGUMENTS SUBMITTED IN SUPPORT OF AND ITS OPPOSTTION TO THE GRANTING OF AN APPEAL , THE COURT IS PF THE OPONION THE RE IS NO REVERSIBLE ERROR IN THE JUDGMENT COMPLAINED OF. COURT REFUSES THE PETITION OF APPEAL . JUDGE LACY PARTICI PATED IN THEDECISION OF AUGUST 14,1992, THEREFORE IS VOID. CONFLICT OF INTEREST .

CLARENCE H. HOLDING, CLARENCE H. HOLDING & COMOANY A BROKERAGE SECURITIES FIRM FOR THE PAST 43 YEARS BY COUNSU EL @RO SE FILED @N SEPTEMBER 3 , 1991 MOTION FOR JUDG MENT FOR DAMAGES , PERSONAL INJURIES &PERSONAL INJURIES TO HIS PROPERTYS, HIS BUSINESSES, TRADE, HIS ESTATES, HIS PERSONALTY AGAINST LEWIS BROTHERS, JR., MAX ZEICKLER, JOHN W. PARTHUM, BRIAN SILVERMAN , MADELINE D. WATTS FOR $10,000,000, COMPENSATORY DAMAGES FROM EACH DEFENDANT , AND $10,000,000 PUNITIVE DAMAGES TRIPLED PUNITIVE DAMAGES FROM EACH DEFENDANT .

THE CASE WAS FILED UNDER VA STATUTE Sec 8@01-243 AND SEC 18.2-499 & 500 AS AMENDED FOR CONSPIRACY OF THE DEF ENDANTS. THE EVENT HAPPENED ON SEPTEMBER 2, 1989 AT THE HOME OF MR. HOLDING , MOUNT PLEASANT , HAGUE , VA. IN WESTMORELAND COUNTY.

STATUTE 8.01-243 OF THE CODE OF VA AMNEDED STATES: A. EVERY ACTION FOR PERSONAL INJURIES WHATSOEVER THE THEORY OF RECORVERY, SHALL BE BROUGHT WITHIN TWO YEARS AFTER THE CAUSE OF ACTION SHALL HAVE ACCRUED. B. EVEN ACTION FOR INJURY TO PROPERTY MUST BE BROUGHT WITHIN 5YEARS AFTER NEXT THE CAUSE OF ACTION SHALL HAVE ACCRUED.

THE PERSONAL INJURIES AND INJURIES TO PROPERTES OCC URRED ON SEPTEMBER 2, 1989 OF MR. HOLDING,S . THE ACTION WAS BROUGHT ON SEPTEMBER 3, 1991 , WELL WITHIN THE STATUTE OF SEC 8.01@243 OF THE CODE .

THE ORIGINAL ACTION OF CONSPIRACY OF LEWIS BROTHERS, MAX ZEOCMLER , JOHN W. PARTHUM, BRIAN SILVERMAN , AND

[illegible] T

MADELINE T. WATTS WAS BROUGHT ON SEPTEMBER 3, 1991 . THE PERSONAL INJURIES AND THE INJURIES TO PROPERTIES, ESTATES, PERSONALTY , TRADES WERE BROUGHT AS A RESULT OF THE CONSPIR.. ACY THAT BROUGHT PERSONAL INJURIES AND INJURIES TO HIS PRO PERTIES, ESTATES, BURINESSES, TRADE PERSOBALTY AND SUSTAI NED BY MR. HOLDING WHICH ARE PERMANENT , IRREPARABLE AND CAN NEVER BE FIXED OR CURED IN THE FUTURE. MR. HOLDING HAS SUFFEREDAND SUSTAINED OF HIS HEART TROUBLE, CHEST PAINS , ANGINA, OTHE SUFFERINGS, GREAT SUFFERINGS AND AGGRAVATION.

JURY TRIAL WAS DENIED ALTHOUGH IT WAS DEMANDED FROM THE BEGINNING , IN PERSON ,IN COURT , BY PLEADINGS.

NO WITNESSES WERE ALLOWRD . MR. HOLDING THOUGH REQUEST ED SAME. NOE EVIDENCE WAS TAKEN OR GIVEN OR ALLOWED. NO STATEMENTS WERE GIVEN BY ANY WITNESSES AS TO THE FACTURAL ISSUES OF THE CASE, NONE WERE ALLOWED. THE DECISIONS W ERE REACHED BY THE COURT WAS BASED UPON THE PLEADINGS, MOTIONS OBJECTIONS BY THE PARTIES OF THE CASE. THERE HAVE BEEN NO COUNSELS FACT FINDING HEARINGS , WHICH WOULD HAVE ESTABLISHED THE TRUTH OF THE CASE.

MR. HOLDING DEMANDS BY NOT LETTING THE WITNESSES BOTH THE DEFENDANTS AND COMMON WEALTH ATTORNEY AND LIEUTENANT CLARK OF THE ESSEX SHERIFF DEPT. BECAUSE OF THEIR DIRECT PARTICIPATION IN THE CASE AGAINST MR. HOLDING ,IF PERMITTED TO TESTIFY AND CROSS EXAMINED WOULFD HAVE MADE A STRONG AFFIRMATIVE DIFFERENCE IN THE OUTCOME OF THE CASE.

BOTH IN THE CIRCUIT COURT AND THE SUPREME COURT OF VA. JUDGE SPRUILL WAS IN A HURRY TO DENY MR. HOLDING JUSTICE AND DAMAGES. THE JUDGE IS 100 % predjuice, bias, pro defend ANYS UNFAIR , OBSTRUCTING JUSTICE WHICH IS DIRECT VIO LATION OF THE DUE PROCESS RIGHTS OF MR. HOLDING . .

MR. HOLDING SEEING WHAT WAS GOING ON, TO PROTECT HIS INTERESTS DEMANDED JUDGE SPRUILL DISQUALIFY HIMSELF AND APPOINT A NEUTRAL JUDGE TO HEAR THE CASE. THE JUDGE RE FUSED.

MR. HOLDING PETITIONED CHIEF JUSTICE CARRICO TO DIS QUALIFY JUDGE SPRUIALL AND APPOINT A NEUTRAL JUDGE TO HEAR THE CASE. JUDGE CARRICAO REFUSED.

JUDGE SPRUILL REFUSED TO SIGN THE STATEMENT OF FACTS OF IHE CASE FOR THE RECORD. MR. HOLDING PETITIONED THE SUPREME COURT BY MANDAMUS . SC. REFUSED .

JUSTICE ELIZABETH LACY, JUDGE POFF, JUDGE CHRISTINE RULED ON THE APPEAL , AND 4 OTHER CASES IN THE SUPREME COURT OF VIRGINIA WHILE JUDGE LACY CAUSED A CONFLIT OF INTEREST IN HER PARTISIPATION IN THE 5 CASES BEFORE THE COURT. JUDGE LACY WAS ASSOCIATED WITH THE DEFENDANTS IN THE STATE CORP ORATION COMMISSION OF VA. WHILE SHE WAS JUDGE THERE, BEFOR E COMMING TO THE SUPREME COURT OF VA ABOUT 2 TO 3 YEARS AGO. THUS MAKING IT A CONFLICT OF INTEREST BECAUSE OF IT. ILLEGAL

FROM THE CIRCUIT COURT OF WESTMORELAND COUNTY . ON AUGUST 10,1992 CAME THE APPELLANT , IN PROPER PERSON FIL ED A PLEADING ENTITLRD "DEMAND JUDGMENT IN THE ABOVE STYL ED CASE AND DEMANDED JUDGMENT BECAUSE OF JUDGE LACY CONFLICT IN THE CASE AND WITH FULL KNOWLEDGE BY HER AND JUSTICE POFF AND JUSTICE CHRISTINE WHO RENDERED THIS DECISION AND ORDER ON AUGUST 14,1992. DENIED.

UPON PETITION FOR REHEARING OF THE APPELLANT TO SET AS IDE THE JUDGMENT OF THE COURTRENDERED ON AUGUST 14,1992 ON THE CASE ITSELF AND GRANT A REHEARING , THE PRAYER IS OF THE PETITITION IS DENIED . MR HOLDING SAYS THE DECESION SO ORDERED BECAUSE OF THE CONFLICT OF INTEREST OF JUSTICE LACY WITH FULL KNOWLEDGE SHE WAS IN CONFLICT AND JUSTICE CHRISTINE AND JUSTICE POFF WHO HAD KNOWLEDGE OF IT AND CON DONED MAKES THE ORDERS NULL AND VOID WHICH VIOLATED THE DUR PROCESS RIGHTS OF MR.HOHDING.ORDER RENDERED SEPTEMBER 18,1992, MAKES IT NULL AND VOID BECAUSE OF CONFLICT OF INTEREST AND VIOLATION OF DUE PROCESS RIGHTS OF MR. HOLDING.

THE CIRCUIT COURTS, THE GENERAL DISTRICT COURTS ARE ALL CORRUPT. THEY ARE INDEED VERY OPEN AND BRAZEN WITH THEIR IMJUSTICE AND LACKING IN MORAL , INTEGRITY, RESPECT . PEOPLE ARE UNABLE TO GET A FAIR TRAIL FOR THE JUDGES, THEY ARE BIASE, ARE PREJUDICE, UNFIT TO SIT ON THE BENCHES OF THE COURTS, HAVE NO DIGNTY AND OR RESPECT FOR THE THE COURTS AND INTEGRITY , THEY ARE ABOVE THE LAWS AND CONSTITUTIONS , POWER UNTO THEMSELVES AND CONDONE AND SUPPORT, PROTECT EACH OTHER. I DEMAND A COMPLETE INVESTIGATION OF THE COURT SYSTEM BY AN INDEPENDANT. NEUTRAL COMMISSION WITH IN TEGRITY, RESPECT AND JUSTICE FOR INDIVIDUALS AND THE CONSTITUTION OF THE STATE OF VIRGINI AND THE U.S. CONSTITUTION . RE STORE , LIBERTY, JUSTICE, INDIVIDUAL PURSUIT OF HAPPIN ESS , DUE PROCESS OF ALL UNDER THE CONSTITUTIONS , LAWS OF THE LAND. WE CAN NOT CONTINUE WITH THIS CORRUPTION, AND INJUSTICE. TIME WILL CORRECT IT ONE WAY OR ANOTHER. HISTORY AND THE BIBLE REVEALS THE TRUTH:. IT IS TIME PAST.

SUMMARY ARGUMENTS OF THE CASE

UNEQUIVICABLE AND CATOGORICALLY JURY TRIAL WAS DENIED . WHICH IS A DIRECT VIOLATION OF THE RIGHTS GUARANTEED BY THE 7TH AMENDMENT OF THE US.CONSTITUTION WITH NO RESERVAT ION.WHICH IS SUBJECT TO JUDGMENT AT LEAST A NEW TRIAL.

THERE WAS CONFLICT OF INTEREST IN THE SUPREME COURT OF VIRGINIA .MR. HOLDING FOUND AND CALLED ATTENTION TO THE SUPREME COURT THERE WAS A DEFINITE COMIT OF INTEREST WITH JUDGE LACY SITTING OF THE BENCH IN THIS CASE, JUDGE LACY WAS STATE CORPORATION COMMISSION JUDGE BEFORE COMM ING TO THE SUPREME COURT OF VIRGINIA RECENTLY. AT THE STATE CORPORATION COMMISSION JUDGE LACY WAS ASSOCIATED WITH THE DEFEMDAMTS BROTHERS, ZOECKLER, PARTHUM , SILVERMAN IN THE SECURITIES DIVISION AND FRANSCHISE DEPT. AND WORKED WITH DAILY. THE COURT WAS INFORMED BY HOLDING ON JULY AND 29, 30 ,1992 AT HEARINGS.. THE COURT MADE 5 DECISIONS OF HOLDING ,S JUSTICE POFF AND JUDGE CHRI STINE MADE THE QUORUM OF THE COURT WITH JUDGE LACY . AFTER BEING INFORMED STILL JUDGE LACY CONTINUED TO PARTICIPATE IN THE ORDERS.JUDGE CHRISTIAN AND JUDGE POFF AFTER BEING IMFORMED ARE ACCOMPLSHERS . THE 5 ORDERS WERE ISSUED ON AUGUST 14, 1992. . BECAUSE OF THIS VIOLATION OF DUE PROCESS RIGHTS SUBJECT TO JUDGMENT OR NEW TRIAL .

IN VIOLATION OF STATUTE SEC 18.2-1499 AND SEC"18.2-500)F THE CODE OF VA./DID AND WAS VIOLATED BY LEWIS BROTHERS, JR., MAX ZOECKLER, JOHN W. PARTHUM, BRIAN SILVERMAN, MADELINE T. WATTS TOGETHER , PLANNED , CONNIVED , IN COLUSION AFTER INTENTIONALLY, WANTONLY , WILFULLY/ DID CAUSE PERSONAL INJURIES AND IJURIES TO HIS BURINESSES, ESTATE, PROPERTIES WHILE MR. HOLDING WAS IN THE HOSPITAL WITH CHEST PAINS , ANGINA, STRANGLING ACUTE HERNIA OPERATION. THE DEFENDANTS WERE JOYFUL, BRAGGED AB OUT IT , GOTTA LOT OF KICKS OUT OFT OF IT, VERY BRAZEN ABOUT IT, WENT DOWN TO ESSEX COURT HOUSE CONTACTED GARRETT THE COMMONWEALTHATTORNEY AND LIEUTENTANT CLRK OF THE SHERIFF DEPARTMENT AND PERSUADED THE COMMONWEALTH ATTORNEY AND THE LIEUTENANT CLARK TO SWEAR OUT A WARRANT FOR MR. HOLDING,S ARREST FOR EMBEZZLING A CHECK FOR $10,000 . MR. HOLDING WAS ARRESTED AT HIS HOME THE DAY HE RETURNED FROM THE HOSP ITAL ON SEPTEMBER 2, 1989 .

JUDGE HYDE DISMISSED THE FALSE CHARGE ON JANUARY 11,1990 ON RECOMMENDATION OF THE COMMONWEALTH ATTORNEY IN THE GENERAL DISTRICT COURT.

TRIAL JUDGE REFUSAL TO GRANT A JURY TRIALCOUPLED WITH THE FACT HE PROVED HE WAS BIASE , PREJUDICE, PRO DEFENDANTS. REFUSAL TO ACCEPT THE STATEMENT OF FACTS OF THE CASE, SIGB PRESENT TO AND INCLUDE WITH THE RECORD FOR SUPREME COURT EVEN MANDAMUS FAILED TO GET THE STATEMENT SIGN OR PERFECTED.

THERE WERE NO FACT FINDING PROBES. THERE WERENO DEFENDANT S AVAILABLE TO TESTIFY AND BE EXAMINED BY HOLDING. NO EVIDENCE WAS TAKEN , GIVEN, ALLOWED , NO STATEMENTS AS TO THE FACTOR AL ISSUES OF THE CASE. NO HEARINGS ON FACT FINGIND ALLOWED.
OF THE COURT
THE DECISIONS WERE MADE SOLEY ENTIRELY WERE BASED UPON PL EADINGS , MOTIONS, OBJECTIONS BY THE PARTIES, WHICH WERE OF NO VALUE SINCE THE JUDGE ABSOLUTELY ADNORED THE MANY MOT IONS, PLEADINGS OF HOLDING. THIS PRESENTS REASON FOR JUDG MENT FOR HOLDING.

THE VIOLATION OF 18,2-499&500 STATUTE ON CONSPIRACY WHICH CARRIES A FIVE YEAR STATUTION OF LIMITATIONS WAS ADNORED BY THE TRIAL JUDGE WHEN CONSPIRACY OF THE DEFENDANT S IS A GREAT OART OF THE CASE AND NEEDS TO BE HEARD FOR A ADUDICATION OF THIS CASE AND MR. HOLDINGS CONSTITUTION AL RIGHTS PROTECTED AND SAVED. THIS IS ACTUALLY THE BASIS OF THIS CASE.

MIS
THERE WAS GREAT USE OFSTATUTE 8.01-271.1in pleadings of john ware counsuel for Madelibe Watts . ACTUALLY WARE LIED PROFUSELY AND WAS CONDONED AND REWARDS BY THE LYING

SEC 8.01-271.1 CONT.D CIRCCUIT COURT ORDER DATE 3/6/92

WARE, JOHNSON COUNSEL LIED AGAIN AND PLEADED SEC 8.01-271.1

IN A HEARING WHEN THE STATEMENT OF THE CASE WAS PRESENT

ED TO THE CIRCUIT COURT . WARE SHOULD BE DISBARRED FOR

LYING AND FINED $5,000, YET WATTS WAS AWARDED $500 . A

SHAM AND DISGRACE BY THE JUDGE FOR CONDONING THE LIAR AND AWARDING HIM FOR IT. THE

JUDGE DID NOT EVEN READ THE STATEMENT OF CASE OR APPROVE

OR DISAPPROVE IT OR TRY TO COME ABOUT A STATEMENT THAT WOUL

LD BE ACCEPTED AND ADD TO THE RECO RD. . YOU HAVE A LYING

ATTORNEY AND A CORRUPT JUDGE, WHO IS BIAS , PREJUDJICE, UN

FAIR , UNCONSTITUTIONAL , LACK OF INTEGRITY, PARTIAL, VIND

ICTIVE, IMHUMAN.· IT IS A SHAM TO GET THIS KIND OF JUSTICE

WHEN MR. HOLDING HAS BEEN DRALING WITH THE LAW FOR 43 YEARS

IT IS A SHAME AND AN OUTRIGHT CRIME FOR THE JUSTICE THE

JUDGE IS DISPENSING WITH ,THIS CONDITION MUST BE CORRECTED

AND THOSE WHO ARE PARTICIAPATING IN THE INJUSTICE SHOULD

BE DISBARRED, PUNISHED, FINED AND IMPRIS ONED FOR 25 YEARS.

IT IS TIMENOW OR TIME WILL CORREST IT FOR US. HISTORY AND

THE BIBLE REVEALS TO US HOW IT WORKS AND HOW IT WILL WORKS. JUSTICE.

CIVILIZATION CANNOT PUT UP AND INDURE/OR SUPPORT THIS KIND OF JUSTICE.

IT SHOULD NOT BE THIS WAY AND PEOPLE ARE GETTING TIRED

OF THE UNJUSTICE EXISTING . IT MUST BE CURED SO PEOPPLE

CAN LIVE IN JUSTICE AND HAPPY IN THEIR LIFE WITH PEACE.

AND ABUSE OF PROCESS
BY THE TRIAL JUDGE IN ORDERS 12/12/91; 1/6 /92, 3.6.92 in WHICH THE TRIAL JUDGE AWARDED SANCTIONS OF $259 AND $ 500 FOR LYING TO HIS CLIENT WATTS, THIS IS THE MOST UNREASON ABLE MISCARRIAGE OF JUSTICE THAT COULD BE POSS IBLE. RE WARDING A COUNSEL FOR LYING AT THE EXPENSE OF MR. HOLDING. THE TWO INCIDENTS OF THE AWARDS WERE HOLDING,S MOTION FOR JUDGMENT AND AFFIDAVIT IN BEGINNING AND STATEMENT OF THE CASE THE JUDGE NEVER READ.

MR. HOLDING HAS 43 YEARS WORK WITH THE LAW , IT IS PREPOSTEROUS TO THINK HOLDING COULD BE SO STUPID AS TO SUBMIT PLEADING SO IMPORTANT AS THESE WERE. IT IS AN INSULT TO HIS INTELLIGENCE. THESE PLEADINGS OF JOHN WARE ARE A DIRECT VIOLATION OF DUE PROCESS AND IS SUBJECT TO JUDGMENT , DISMISSAL AND DAMAGES.

R. MCKENNEY COUNSEL FOR DEFENDANTS , BROTHERS ET AL ABSOLUTE LYING IN WRITING THE ORDERS IS A DISGRACE TO MR HOLDING AND THE COURT. SUBJECT TO JUDGMENT , REVERSAL AND DAMAGES.

DIRECT VIOLATION OF SEC 8.01-243 OF THE CODE OF VA AMENDED IS THE CORRECT STATUTE FOR PERSONAL INJURIES AND INJURIES TO PROPER TIES WHICH CARRIES 2 YEARS FOR PERSONAL INJURIES AND 5 YEARS FOR INJURIES TO PROPERTY .

MR. HOLDING IS WELL EDUCATED WIRH A B.S. DEGREE, LAW 5 DEGREES IN FINANCE AN D ECONOMICS, GOVERNMENT, INVESTMEN

IMPECCABLE INTEGRITY, CHARACTER, PERSONALTY, HONOR, FOR 72 YEARS, WITH 43 YEARS OWNER AND OPERATOR OF A BROKERAGE FIRM IN VIRGINIA AND NORTH CAROLINA WITHOUT A SINGLE COM PLAINT.

MR. HOLDING HAS BEEN UNMERICIFULLY , SUBSTANTIALLY IRREPARABLY , PERMANENTLY DAMAGEED BY THE INTENTIONAL , DIRECT, SCURRILIOUS , UNPROVOKED, ACTS OF THE DEFENDANTS. THESE ACTS HAVE CAUSED PERSONAL INJURIES UNTOLD AND IN JURIES TO PROPERTIES, BUSINESSES, ESTATES , CHARACTER, PERSONALTY, EMBBARRASSMENT , MENTAL ANQUISH WITH NO RE MORSE OR CONCERN OF THE DEFENDANTS .

ALL THESE PERSONAL AND PROPERTIES INJURIES ARE PER MANENT, INCUREABLE,CANNOT BE FIXED AND HAS CAUSED MR. HOLDING SURMOUNTABLE SUFFERINGS AND DAMAGES AND INJURIES WHICH HAS DESTROYED 72 YEARS OF HARD WORK AND INPECCABLE IN TEGRTY, PROFESSIONS, BUSINESSES, ESTATES AND SHOULD BE COMPENSATED .

CONCLUSION

THE PETITION SHOULD DEFINITELY BE ISSUED SO THE ENDS OF JUSTICE CAN BE MAINTAINED AND SURVIVE WITH DAMAGES AND JUDGMENT TO MR. HOLDING FOR THE WRONGS BESTOWED UP ON WITH THE SUFFERINGS ENDURED THE INJURIES (PERSONAL) AND INJURIES TO HIS BUSINESSES , ESTATES , PROPERTIES, HIS CHARACTER, PERSONALTY, MENTAL SUFFERING , INJURIES TO HIS NEIGHBORS IN THE COMUNITY , IN THE STATE , IN THE WORL THE WORLD TO HIS SECURITIES BROKERAGE FIRM .

ALL THESE PERSONAL INJURIES AND INJURIES TO PROPERTIES BUSINESS, ESTATE, CHARACTER, HIS IMPECCABLE INTEGRITY FOR 43 /71 YEARS LIFE 43 YEARS INHIS BUSINESS WITH NOT ONE COMPLAINT. ALL OF THESE INJURIES ARE IRREPARABLE, PERMANENNT , AND CAN NEVER BE REPAIRED OR CURED.

YES THE PETITION SHOULD BE HONORED AND JUDGMENT AND D. DAMAGES GRANTED AND AWARDED ASK FOR .

Clarence Houston Holding

RESPECTFULLY SUBMITTED,

Clarence Houston Holding

CLARENCE HOUSTON HOLDING
ROUTE 1 BOX 2
MOUNT PLEASANT PLANTATION
HAGUE, VIRGINIA 22469
(804) 472 2026
COUNSEL FOR APPELLANT PRO SE

CLARENCE H.OUSTON HOLDING
FOR CLARENCE H. HOLDING
COUNSEL PRO SE.

CERTIFICATE OF SERVICE

I CERTIFY I SENT ist CLASS MAIL POSTAGE PAID OPIES TO THE COUNSELS OF THE APPELLEES. ON DECEMBER 16, 1992.

Clarence Houston Holding

CLARENCE HOUSTON HOLDING

7,8,9

APPENDIX

PRAMOD K.MOHANEY, M.D. FACC,FACP
PROFESSOR OF MEDICINE(CARDIOLOGY
MEDIACAL COLLEGE/VIRGINIA COMMONWEALTH UNIVERSITY
DEPARTMENT OF INTERNAL MEDICINE
BOX 282, MCV STATION, RICHMOND, VA 23298

NOVEMBER,13,1992

DEAR SIR/MADAM:

THIS LETTER IS TO CERTIFY THAT CLARENCE H.HOLDING(SS#238-16
5011 IS A 72 YEAR OLD WHITE MALE WHO IS FOLLOWED BY THE CARD
IOLOGY CLINIC AT THE HOLMES HUNTER MCGUIRE V.A. MEDICAL CEN
TER FOR THE FOLLOWING PROBLEMS:

(1) DEGENERATIVE BILATERAL HIP JOINT
(2) HPERLIPIDENNIA
(3) SEVERE CERVICAL SPONDLOSIS PARR SYNDRONNE
(4) THEROSCLEROTIC CORONARY ARTERY DISEASE,SEVERE MUL
TI*VESSEL S/P CABG 1977 AND 1985, ANGINA PECTORIS C
CLASS III.

IN VIEW FO THE SEVERR DISABLING CARDIAC AND DEGENERATIVE JO
INT DISEASE(WITH LIMITED MOBILITY) HE IS CONSIDERED PERMANE
NTLY AND TOTALLY DISABLED,

SINCERELY,

SIGNED,P.M, MOHANTY
PRAMOD K. MOHANTY, M.D.
CHIEF,CARDIOLOGY SECTION
MCGUIRE V.A. MEDICAL CENTER

DIRECTOR, HEART FAILURE-HEART TRANSPLANT PROGRAM(MCV/VA)

CARDIOLOGY DIVISION (iiiJ)
V.A. MEDICAL CENTER
RICHMOND, VA 23249
(804) 230-1341

CARDIOLOGY DIVISION
MCV BOX 282
RICHMOND, VA 23298
(8040 371 7316
(804) 225-4571

V I R G I N I A

IN THE SUPREME COURT AT RICHMOND

CLARENCE H. HOLDIND, CLARENCE H. HOLDING & COMPANY,
APPELLANT,

V RECORD #920336
CIR CT # 91-69

LEWIS BROTHERS, JR., MAX ZOECKLER, JOHN W. PARTHUM, BRI
AN SILVERMAN, MADELINE T, WATTS, APPELLEES.

NOTICE OF APPEAL

COMES NOW CLARENCE H. HOLDING, CLARENCE H. HOLDING & COMPANY BY COUNSEL PROSE AND GIVES FORTH VIRGOROUSLY HIS NOTICE OF FERMLY APPEAL OF ORDERS FROM THE SUPREME COURT OF VIRGINIA AS FOLLOWS: PURSUANT TO RULE 5:41 of rules OF OF SUPREME COURT OF VA. 1950 AMENDED . AS DIRECTED

AUGUST 14,1992 CLARENCE H. HOLDING, CLARENCE H. HOLDI NG, APPELLANT V LEWIS BROTHERS, JR., MAX ZOECKLER, JOHN W. PARTHUM, BRIAN SILVERMAN, MADELINE T. WATTS, APPELLEES RECORD 920336,CIR CT # 91-69 NO REVERSIBLE ERROR.

AUGUST 14.1992 CLARENCE H. HOLDING, CLARENCE H. HOLDING AND COMPANY V. LEWIS BROTHERS, JR. , MAX ZOECKLER, JOHN W. PARTHUM, BRIAN SILVERMAN, MADELINE T. WATTS. RECORD 920336 CIR CT. # 91-69. " DEMAND JUDGMENT".

TO THE SUPREME COURT OF U.S.A.

DEMAND THE CLERK PREPARE THE RECORD, HOLD, SEND FORTH THE RECORD TO THE SUPREME COURT OF U.S.A. WASHINGTON , D.C. HOLD UNTIL PROCEEDING IN THE SUPREME COURT OF U.S.A. TERMINATED.

SIGNED
CLARENCE HOUSTON HOLDING
ROUTE 1 BOX 2
MOUNT PLEASANT PLANTATION
HAGUE, VA. 22469
(804) 472 2026
COUNSEL FOR APPELLANT PROSE

RESPECTFULLY SUBMITTED,
SIGNED
CLARENCE HOUSTON HOLDING,
COUSEL FOR APPELLANT PRO SE.

CERTIFICATE OF SERVICE

I CERTIFY I SENT A COPY TO COUNSELS OF THE APPELLEES 8/20/92.
SIGNED
CLARENCE HOUSTON HOLDING

V I R G I N I A

IN THE SUPREME COURT RICHMOND

CLARENCE H. HOLDING , CLARENCE H. HOLDING COMPANY,
APPELLANT,

V. RECORD 920336
CIR CT 91-69

LEWIS BROTHERS, JR. MAX ZOECKLER, JOHN W. PARTHUM , BRIAN SILVERMAN. MADELINE T. WATTS, APPELLEES.

NOTICE OF APPEAL

COMES NOW CLARENCE H. HOLDIN, CLARENCE H. HOLDING & COMPAMY BY COUNSEL PRO SE GIVES FORTH VIGOROUSLY NOTICEOF FIRMLY APPEAL TIMELY OF ORDERS FROM SUPREME COURT OF VIRGINIA PURSUANT TO RULE [illegible] RULES OF SUPREME COURT OF VA. AS AMENDED 1950.

AUGUST 14,1992 CLARENCE H. HOLDING, CLARENCE H. HOLDING & COMPANY IN RE PETITION FOR WRIT OF MANDAMUS AGAINST THE JUDGE OF CIRCUIT CT OF WESTMORELAND COUNTY, VA

AUGUST 14, 1992 CLARENCE H. HODDING, CLARENCE H. HOLDING & COMPANY. IN RE PETITION FOR DEMAND JUDGMENT ON THE WRIT OF MANDAMUS.

MARCH 12,1992 IN PROPER PERSON MOTION TO CHIEF JUSTICE DARRICOTO DISQUALIFY JUDGE J.E. SPRUILL, JR AND TO REPLACE HIM WITH A NEUTRAL JUDGE TO HEAR THE CASE BECAUSE OF BIAS PREHUDICE, UNFAIR , PRO DEFENDANT .

IN THE SUPREME COURT OF U.S. OF AMERICA .

DEMAND THE CLERK PREARE THE RECORD, HOLD ,SEND FORTH THE RECORD TO THE SUPREME COURT OF U.S.OF AMERICA IN WASHINGTON,D.C.HOLD UNTIL THE PROCEEDINGS IN THE U.S. SUPREME CORT OF AMERICA DIRECTS OR TERMINATED.

SIGNED
CLARENCE HOUSTON HOLDING
ROUTE 1 BOX 2
MOUNT PLEASANT PLANTAT
HAGUE, VA 22469
(804) 472 2026
COUNSEL PRO SE

RESPECTFULLY SUBMITTED,

FOR CLARENCE H. HOLDING. CLARENCE H. HOLDI DING & COMPAMY

CLARENCE HOUSTON HOLDING, COUNSEL PROSE

CERTIFICATE OF SERVICE

I CERTIFY I SENT COPIED TO ALL COUNSEL OF DEFRNDANTS 8/29/92
CLARENCE HOUSTON HOLDING
SIGNED

V I R G I N I A

IN THE CIRCUIT COURT OF WESTMORELAND COUNTY

CLARENCE H. HOLDING, CLARENCE H. HOLDING & COMPANY, PLANTIFF,

V. # 91-69

LEWIS BROTHERS, JR,, MAX ZOECKLER, JOHN W. PARTHUM , BRIAN SILVERMAN, MADELINE T. WATTS, DEFENDANTS.

MOTION FOR DAMAGES AND JUDGMENT

COMES NOW CLARENCE H. HOLDING, CLARENCE H. HOLDING & COMPANY BU COUNSEL AND FILES HIS MOTION FOR JUDGMENT AND DA MAGES FOR IRREPARRABLE PERSONAL INJURIES, MENTAL SUFFERINGS INJURIES TO PROPERTIES SUSTAINED AS A RESULT OF THE DEFEND ANTS DELIBERATE, INTENTIONAL, VICIOUS, WITH MALICE CHARGE AND ARREST OF MR. HOLDING FOR A FELONY CRIMINAL CHARGE OF EMBEZZLEMENT OF $10,000 FROM MADELINE T. WATTS.THE CRIME OF ENBEZZELEMENT CHARGE OF $10,000 WAS DISMISSED ON JANUA RY 11,1990BY JUDGE HYDE IN ESSEX GENERAL DISTRICT COURT . MR. HOLDING ASK FOR $10,000,000 compensatory damages from EACH AND 3 TIMES IN PUNITIVE DAMAGES FROM EACH .

1. THE DEFENDANTSHAD MR. HOLDING ARRESTED ON A CRIMIN AL FELONY CHARGE OF EMBEZZLEMENT OF $ 10,000 FROM MADELINE T. WATTS ON SEPTEMBER 2, 1989(89).

2. THE CRIMINAL FELONY CHARGE WAS DISMISSED BY JUDGE HYDE ON JANUARY 11,1990 .

3. THE CHARGE AND ARREST OF FELONY EMBEZZLWMENT OF $10,

000 AND THE DISMISSAL ON JANUARY 11,1990 FORMS THE BASIS FOR THIS ACTION FOR JUDGMENT AND BAMAGES, IRREPARABLE PERSONAL INJU JURIES, MENTAL SUFFERINGS, PERMANENT DAMAGES, HUMILUATION , DAMAGESTO CHARACTER , INTEGRITY , PERSON, BUSINESSES LIFE OF IMPECCABLE INTEGRITY, INJURIES TO PROPERTIES, CHARACTER, LIFE.

4. MR. HOLDING HAS SUFFERED AND SUSTAINED $10,000,000 IN IN COMPENSATORY DAMAGES FROM EACH DEFENDANT AND TRIPLE PUNI TIVE DAMAGES FROM EACH DEFENDANTS.

5. MR. HOLDING THEREFORE ASK FOR $10,000,000 COMPENSATORY DAMAGES FROM EACH DEFENDANTS AND 3 TIMES FROM EACH DEFENDANT IN PUNITIVE DAMAGES.

6. MR. HOLDING DEMANDS THEREFORE AND ASK $10,000,000 FROM EACH IN COMPENSATORY DAMAGES AND TRIPLE PUNITIVE DAMAGES FROM EACH DEFENDANTS FOR THE DAMAGES AND IRREPARABLE PERMANENT PERSONAL INJURIES STAINED, PLUS MENTAL SUFFERINGS, DAMAGES TO PERSON, INTEGRITY,BUSINESSES, PRPOERTIES, ESTATES.

7. THE DEFENDANTS ARE CONSPIRATORS IN THE FELONY CHARGE AND ARREST OF MR. HOLDING. IN A CONSPIRACY.

WHEREFORE, FOR TRUE HONEST CAUSES SHOWN ABOVE AND TO ENABLE THE ENDS OF TRUE HONORABLE JUSTICE TO PREVAIL , MR. HOLDING ASK AND DEMANDS $10,000,000 COMPENSATORY DAMAGES FROM EACH DEFENDANTS ANDALSO TRIPLE DAMAGES OF $10,000,000 PUNITIVE DAMAGES FROM EACH DEFENDANTS IN DAMAGES.

SIGNED
CLARENCE HOUSTON HOLDING,
BY:
HAGUE, VA . 22469
(804) 222026

RESPECTFULLY SUBMITTED,

SIGNED CLARENCE HOUSTON HOLDIN
CLARENCE H. HOLDING BY COUNSEL PRO SE

CERTIFICATE OF SERVICE

I CERTIFY I SENT POSTAGE PAID A COPY TO COUNSELS OF DEFEND

ANT ON SEPTEMBER 3, 1991 . ALSO I PAID S25 -$5 FOR SERVICE

OF THE SHERIFF FOR THE 5 DEFENDANTS.

LARENCE HOUSTON HOLDING
UTE1 BOX 2
OUNT PLEASANT PLANTATATION
AGUE, VA. 22469
804) 472 2026

SIGNED

SIGNED

CLARENCE HOUSTON HOLDING,

COUNSEL FOR PLANTIFF PRO SE.

OUNSEL FOR PLANTIFF PRO SE.

A F F I D A V I T

COMES NOW CLARENCE H. HOLDING OF ROUTE 1 BOX 2 , MOUNT PLE ASANT PLANTATION, HAGUE, VA. 22469 and gives his affidavit UNDER OATH AFTER FIRST BEING SWORN , GIVES HIS AFFIDAVIT HERETOFORE UNEQUIVICABLLY AND CATORGORICALLY STATES AS FOL LOWS: LEWIS BROTHERS, JR. . MAX ZOECKLER, JOHN W. PARTHUM, DAVID SILVERMAN , MADELINE T. WATTS DID IN COLLUSION AND CONSPIRACY DID WITH MALICE ON SEPTEMBER 2, 1989 AT THE HOME OF CLA CLARENCE H. HOLDING T/A CLARENCE H. HOLDING AND COMPANY AT MOUNT PLEASANT PLANTATION, HAGUE VA. 22469 , WESTMORELAND COUNTY ARRESTED MR. HOLDING ON A CRIMAL WARRANT FELONY FOR EMBEZZLEM ENT OF CHECK OF $10,000 PAID TO HIM BY MRS, MADELINE T. WATTS.

THE EMBEZZLEMENT CHARGE WAS DISMISSED BY JUDGE HYDE OF THE GENERAL DISTRICT COURT ON JANUARY 11, 1990. IN ESSEX COUNTY .

1. AS A RESULT OF THE ACTIONS MR. HOLDING HAS SUSTAINED GREAT PERMEANT PERSONAL INJURIES, PERMANENT GREAT HUMILATION, PERMANENT MENTAL ANQUISH AND SUFFERINGS , ALSO SUFFERED SUFFERED OERMANENT DAMAGES AND INJURIES TO HIS LIFE TIME OF IMPECCABLE INTEGRITY OF 71 YEARS, HIS CHARACTER, HIS PERSON, HIS LIFE, , TO HIS WORK OF 43 YEARS IN THE SECURITIES FINANC CIAL PRIFESSION, OWNER AND OPERATOR OF HIS BROKERAGE SECURITI ES FIRM WITHOUT ONE SINGLE COMPLAINT, OTHER BUSINESSES.

LIFE

2. FOR W HICH MR. HOLDING IS ENTITLED TO RECOVER FROM EA CH DEFENDANTS ENUMERATED ABOVE IN COMPENSATORY DAMAGES THE SUM OF $10,000,000 FROM ECH DEFENDANT AND TRIPLE TIMES PUNITIVE

E

DAMAGES OF $10,000,000FROM EACH DEFENDANT.

3. EACH OF THE DEFENDANTS DID DELIBERTLY AND INTENTIONALL Y, WITH MALICEEAND IN COLLUSION WITH EACH OTHER CONSPIRED IN A CONSPIRACY TO PERSONALLY DESTROY , TO HARM , TO HURT, IN ANY WAY THEY COULD BY FALSELY, FRADULENTLY WITH UTTER DIS RE GARD FOR JUSTICE AND THE RIGHTS OF MR. HOLDING CAUSING MR. HOLDING GREAT PERMANENT PERSONAL INJURIES , INJURIES TO HIS PERSON, HIS CHARACTER, TO HIS 71 YEARS OF IMPECCABLE INTEGRITY SUFFERED GREAT PERMANENT INJURIES TO HIS BUSINESSES AND PROF FESIONS OF 43 YEARS Of OWNER AND OPERATOR OF HIS BROKRAGE FIRM IN VIRGINIA AND NORTH CAROLINA. MR. HOLDING HAS SUFFERED GREAT AND PERMANENT INJURIES , MENTAL SUFFERING, MENTAL ANQ UISH, HUMILUATION , GREAT EMBARRASSMENT AND GREAT UNTOLD FUTURE PERMANENT DAMAGES, PEESONAL INJURIES.

WHEREBY , FOR GOOD CAUSES GIVEN AND SHOWN AND TO THE ENDS OF GOOD JUSTICE , RESPECT AND WHAT IS RIGHT AND JUST , MR. HOL DING DEMANDS FIRMLY $10,000,000 IN COMPENSATORY DAMAGES FROM EACH DEFENDANTS AND TRIPLE (3) TIMES $10,000,000 PUNITIVE DAMAGES FROM EACH DEFENDANTS, COST , AND INTEREST FROM SEPT EMBER 2, 1989(1989) AT 12 % PER ANNUM UNTIL FULLY PAID,

NOTARY PUBLIC CERTIFICATION AFFIANT CLARENCE H. HOLDING (SIGNED)

ADDRESS ROUTE 1 BOX 2

signed in the presence of MAGUE , VA 22469

SIGNED JOANNE M. PRESNELL ,NOTARY
PUBLIC IN FOR COMMONWEALTH OF VIRGINIA AT LARGE
COMMISSION EXPIRES 3/31/95
SIGNED JOANNE M. PRESNELL

11/8/91

VIRGINIA

IN THE SUPREME COURT OF VIRGINIA HELD IN THE SUP COURT BUILDING IN THE CITY OF RICHMOND ON FRIDAY 18, september 1992.

CLARENCE H. HOLDING APPELLANT,

AGAINST RECORD NO. 920336
CIRCUIT COURT NO. 91-69

LEWIS BROTHERS, JR., ET AL., APPELLEES.

UPON A PETITION FOR REHEARING

ON CONSIDERATION OF THE PETITION OF APPELLANT TO SET ASIDE THE JUDGMENT RENDERED AND AN ORDER ENTERED HEREIN ON THE 14th AUGUST, 1992 AND GRANT A REHEARING THEREOF, THE PRAYER OF THE SAID PETITION IS DENIED.

A COPY,

TESTE:

DAVID BEACH

CLERK

B

VIRGINIA

IN THE SUPREME COURT OF VIRGINIA HELD AT THE SUP PREME COURT BUILDING IN THE CITY OF RICHMOND ON FRID AY THE 14th DAY OF AUGUST, 1992.

IN RE: CLARENCE H. HOLDING, PETITIONER

RECORD NO. 920796
CIRCUIT COURT OF WESTMORELAND COUNTY 91-69
UPON A PETITION FOR A WRIT OF MANDAMUS

ON CONSIDERATION OF THIS CASE, THE COURT IS OF OPINI ON THAT THE WRIT OF MANDAMUS SHOULD NOT ISSUE AS PRAYED FOR. IT IS THEREFORE ORDERED THAT THE PETITION BE DIS MISSED AND THAT THE RESPONDANT RECOVER HIS COSTS BY HIM EXPENDED ABOUT HIS DEFENSE HEREIN.

A COPY,

TESTE:
DAVID B BEACH,
CLERK
BY : PATRICIA H K
DEPUTY CLERK

VIRGINIA:

IN THE SUPREME COURT OF VIRGINIA HELD AT THE SUPREME COURT BUILDING IN THE CITY OF RICHMND ON FRIDAY 14th, OF AUGUST, 1992 .

CLARENCE H. HOLDING, APPELLANT,

AGAINST RECORD NO. 920336
CIRCUIT COURT NO. 91-69

LEWIS BROTHERS, JR. ET AL ., APPELLEES .

FROM THE CIRCUIT COURT OF WESTMORELAND COUNTY

UPOM REVIEW OF THE RECORD IN THIS CASE AND CONSID ERATION OF THE ARGUMENTS SUBMITTED IN SUPPORT OF AND OPPOSITION TO THE GRANTING OF AN APPEAL, THE COURT IS OF OPINION THERE IS NO REVERSIBLE ERROR IN THE JUDGMENT COMPLAINED OF, ACCORDINGLY, THE COURT RE FUSES THE PETITION FOR APPEAL.

ACOPY,

TESTE:

DAVID B. BEACH,
CLERK

SIGN
BY: DEPUTY CLERK.

VIRGINIA :

IN THE SUPREME COURT HELD AT THE SUPREME COURT BUI LDING IN THE CITY OF RICHMOND ON FRIDAY TH 14th AUG UST, 1992.

CLARENCE H. HOLDING, APPELLANT,

AGAINST RECORD NO. 920336
CIRCUIT COURT NO. 91-69

LEWIS W. BROTHERS, JR. ET AL., APPELLEES.

FROM THE CIRCUIT COURT OF WESTMORELAND COUNTY

ON AUGUST 10, 1992 CAME THE APPELLANT , IN PROPER PERSON, AND FILLED A PLEADING ENTITLED " DEMAND JUDGM ENT " IN THE ABOVE STYLED CASE.

IN CONSIDERATION WHEREOF, THE COURT DENIES SAID PLEADING.

A COPY ,

TESTE:

DAVID B. BEACH
CLERK

BY SI GNED
DEPUTY CLERK

VIRGINIA

IN THE SUPREME COURT AT THE SUPREME COURT BUILDING IN RICHMOND ON FRIDAY 14th AUGUST , 1992.

IN RE: CLARENCE H. HOLDING, PETITIONER

RECORD NO. 920796
920336

UPON A PETITION FOR WRIT OF MANDAMUS

ON AUGUST 10 , 1992 CAME THE PETITIONER, IN PERSON , AND FILED A " DEMAND JUDGMENT ON MANDAMUS" IN THIS CASE.

ON CONSIDERATION THEREOF, THE " DEMAND JUDGMENT " IS DENIED.

A COPY,

TESTE :

DAVID B. VEACH
CLERK

BY: PATRICIA H. K.
DEPUTY CLERK

VIRGINIA

IN THE SUPREME COURT OF VIRGINIA HELD AT THE SUPREME COURT BUILDING IN THE CITY OF RICHMOND ON THESDAYthe 17th MARCH , 1992.

CLARENCE H.HOLDING, APPELLANT,

AGAINST RECORDNO. 920336
CIRCUIT COURT NO. 91-69

LEWIS W. BROTHERS, JR. ET,AL, APPELLEES.

FROM THE CIRCUIT COURT OF WESTMORELAND COUNTY

ON MARCH 12, 1992 CAME THE APPELLANT, IN PROPER PERSON, AND FILED WITH CHIEF JUSTICE CARRICO A MOTION TO DISQUALIFY THE HONORABLE J.E. SPRUILL, JR. ,JUDGE FROM PARTICIPATING IN THIS CASE.

ON CONSIDERATION WHEREOF, THE MOTION IS DENIED.

A COPY ;

TESTE :

DAVID B BEACH
CLERK

BY PATRICIA H. KRUEGAR
DEPUTY CLERK .

V I R G I N I A

IN THE CIRCUIT COURT OF WESTMORELAND COUNTY

CLARENCE H. HOLBING, PLANTIFF,

V. # 91-69

LEWIS W. BROTHERS, JR.,, MAX ZOECKLER, JOHN W. PARTHUM, BRIAN SILVERMAN , MADELINE T. WATTS, DEFENDANTS.

ORDER

THIS CAUSE CAME TO BE HEARD ON NOVEMBER 13,1991 , ON THE PLANTIFF,S MOTION FOR JUDGMWNNT AND THE DEFENDANTS PLEA OF STATUTE OF LIMITATIONS. MOTION TO TRANSFER VENUE , AND MOT ION PURSUANT TO S 801-271.1of the code of va. 1950, amende d and was argued BY PLANTIFF PRO SE AND BY COUNSEL FOR DEF ENDANTS.

WHEREFORE, IT APPEARING UNTO THE COURT THAT THE PLANTIFF,S MOTION FOR JUDGMENT ALLEGED A MALICIOUS PROSECUTION ON THE PART OF THE DEFENDANTS ;THAT THE APPLICABLE STATUTE OF LIMIT FOR THE PLAMTIFF,S CAUSE OF ACTION IS SEC 8.01-248 of VA 1950 AMENDED : AND THE DEFENDANTS PLEA IS VALID DEFENSE TO THE WHOLE OF THE PLANTIFF,S CAUSE OF ACTION AS SET FORTH IN HIS MOTION FOR JUDGMENT FILED HEREIN; AND

WHEREFORE IT APPEARING UNTO THE COURT THE PLANTIFF,S AC TION WAS BARRED BY THE STATUTE OF LIMITATIONS, THE

THE COURT DID NOT NEED TO REACH THE ISSUE OF TRANSFER OF VENUE: THAT THE PLANTIFF,S MOTION FOR JUDGMENT WAS NOT GROUNDED IN FACT WARRANTED BY EXISTING LAW OR A GOOD FAITH ARGUMENT FOR EXTENSION, MODIFICATION OR RE VERSAL OF EXISTING LAW: AND THAT THE PLANTIFF,S MOTION FOR JUDGMENT WAS IN VIOLATION OF S 8.01-271.1 OF THE CODE OF VA., 1959, AS AMENDED;

NOW, THEREFORE, THE COURT DOTH ADJUDGE, ORDER AN D DECREE AS FOLLOWS;

(1) THAT THE DEFENDANTS PLEA OF THE STATUTE OF LIM ITATIONS BE, AND IT IS HEREBY SUSTAINED;

(2) THAT THE DEFENDANT, MADELINE T. WATTS, RECOVER FROM CLARENCE H. HOLDING, TWO HUNDRED FIFTY DOLLARS(250) THE AMOUNT OF REASONABLE EXPENSES INCURRED BY THE DEFENDANT MADELINE T. WATTS BECAUSE OF FILING OF THE PLANTIFF,S MOTION OF JUDGMENT , AND THE PLANTIFF SHALL PAY CRANE*SN EAD& ASSOCIATES, INC. THE SUM OF $70.00 FOR RECORDING THE HEARING IN THIS SUIT AS COST OF THIS PROCEEDING, AND (3) THAT THIS ACTION BE , AND IT IS HEREBY, DISMISSED, TO WH ICH ACTION OF THE COURT THE PLANTIFF DULY EXCETED.

TRUE COPY ENTER: LAW DATE 12/12/91
TESTE: CHEATHEM SIGNED JOSEPH E SPRUILL, JR. JUDGE
DEPUTY CLK

WE ASK FOR THIS:
R. MICHAEL MCKENNEY , COUNSEL FOR BROTHERS, et.al. DEFS
JOHN W. WARE, FOR MADELINE T. WATTS
SEEN AND OBJECTED TO * HOLDING DID NOT SIGN NOR SAW

VIRGINIA

IN THE CIRCUIT COURT OF WESTMORELAND COUNTY

CLARENCE H. HOLDING, PLAINTIFF,

V. ORDER NO. 91-69

LEWIS W. BROTHERS, JR. et AL., DEFENDANTS.

ORDER

THIS CAUSE CAME TO BE HEARD ON DECEMBER 12,1991,ON THE PLANTIFF,S " MOTION AND DEMAND TO SET ASIDE AND DISMISS ORDER NOVEMBER 13,1991 OF ONE YEAR STATUTE OF LIMITATIONS" AND ALSO PLANTIFF,S "MOTION TO SET ASIDE AND DISMISS SAN CTIONS IMPOSED NOVEMBER 13,1991" and was argued by the PLANTIFF PRO SE AND BY COUNSEL FOR THE DEFENDANTS.

WHEREFORE, IT APPEARIND TO THE COURT AFTER MATURE CONSIDE... ERATION OF SAID MOTIONS AND ALL GROUNDS THEREOF, AND THE AUTHORITIES SUBMITTED IN SUPPORT THEREOF,THAT SAID MOTIONS SHOULD BE OVERRULED; NOW, THEREFORE, THE COURT DOTH ADJUD GE, ORDER, AND DECREE THAT PLAINTIFF,S "MOTION AND DEMAN D TO SET ASIDE AND DISMISS ORDER OF NOVEMBER 13,19912 ARE DENIED; THAT THE PLANTIFF SHALL PAY CRANE SNEAD AND ASSOC IATES, INC. THE SUM OF ONE HUNDRED THREE DOLLARS FOR RE CORDING THE HEARING ON THIS MOTION AS COST OF THIS PRO CEEDING; AND THAT THE REQUIREMENT OF ENDORSEMENT BY COU NSEL OF RECORD OF THIS ORDER BE DISPENSED WITH PURSUANT TO RULE 1:13 OF RULES OF SUPREME COURT OF VA.

AND HAVE JUDGMENT AGAINST THE PLANTIFF, CLARENCE H. HOLDING IN THE SUM OF $500.00 , THE AMOUNTT OF REASONABLE EXPENSES INCURRED BY THE DEFENDANT, MADELINE T. WATTS, BECAUSE OF FILING OF THE PLANTIFF,S STATEMENT OF FACTS OF THE CASE WAS IN VIOLATION OF SECTION 8.01-271.1 OF THE CODE AS AMENDED.

(2) THAT THE REQUIREMENT OF ENDORSEMENT BY COUNSEL OF RECORD BE DISPENSED WITH PURSUANT TO RULE 1;13 OF THE RULES OF THE SUPREME COURT OF VA.

NOTHING REMAINING TO BE DONE, THIS ACTION IS STRICKEN FROM THE DOCKET.

ENTER: LAW
DATE : MARCH 6, 1992

JOSEPH E SPRUILL JR. , JUDGE

TESTE:
SUSYNNE CHEATHAM , DEPTY CLK.

VIRGINIA

IN THE CIRCUIT COURT OF WESTMORELAND COUNTY

CLARENCE H HOLDING, PLANTIFF,

V. CASE NO 91-69

LEWIS W. BROTHERS, JR, ET AL., DEFENDANTS.

ORDER

THIS CAUSE CAME TO BE HEARD ON FEBRUARY 20, 1992, ON THE DEFENDANT,S " OBJECTION TO THE STATEMENT OF FACTS OF THE CASE" FILED IN RESPONSE TO THE PLANTIFF,S STATEMENT OF FACTS OF THE CASE AND DEFENDANT MADELINE T. WATTS MOTION PURSUANT TO S. 8.01-272.1 of CODE OF VA AMENDED AND WAS ARGUED BY THE PLANTIFF PTO SE AND BY COUNSEL FOR THE DEF ENDANTS.

WHEREFORE, IT APPEARING TO THE COURT THAT THE PLANTI FF,S STATEMENT OF FACTS OF THE CASE WAS FILED MORE THAN FIVE DAYS AFTER ENTRY OF AN ORDER DATED DECEMBER 12, 1991 in violation OF RULE 5:11 OF THE RULES OF THE SUPREME COU RT OF VIRGINIA , AND AND AS TO EVENTS RELATED TO THAT OR DER , THE STATEMENT OF FACTS OF THE CASE CANNOT BE FILED IN THE RECORD FOR APPEAL IN THIS MATTER ; WHEREFORE, IT FURTHER APPEARING TO THE CCOURT THAT CAN BE NO AGREEMENT BETWEEN THE PARTIES ON THE FACTS INCLUDED IN THE PLANTI FF,S STATEMENT OF FACTS OF THE CASE RELATED TO THE ORDER OF JANUARY 6,1992, THE PLANTIFF,S STATEMENT OF FACTS OF

THE CASE SHOULD NOT BE FILED IN THE RECORD IN THIS MATT ER; AND FURTHER, AT THE REQUEST OF THE COURT, A COURT RE PORTER WAS PRESENT AND RECORDED THE HEARING OF DECEMBER 12,1991 NAD JANUARY 6,1992, IN ORDER THAT AN ACCURATE RE CORD WOULD BE AVAILABLE, BUT PLAINTIFF REFUSED TO PAY THE COST OF TRANSCRIBINF THE RECORD DESPITE REQUEST FROM THE COURT TO DO SO .

UPON CONSIDERATION THEREOF, THE COURT FINDS THAT THE PLANTIFF,S STATEMENT OF FACTS OF THE FACTS NEVER PRESENTED TO THE COURT;THAT THE PLANTIFF,S STATEMENT OF THE FACTS OF THE CASE SETS FORTH LEGAL ARGUMENTS WHICH MAY NOT BE INCLUD ED IN A STATEMENT OF FACTS; SUCH INCLUSIONS ARE NOT PERMISS ABLE UNDER THE RULES OF THE SUPREME COURT OF VA;THAT SUCH INCLUSIONS ARE NOT PERMITTED BY EXISTING LAW AND NO GOOD FAITH ARGUMENT FOR THE EXTENSION, MODIFICATIO OR REVERSAL OF THE EXISTING LAW FOR SUCH INCLUSIONS EXISTS, AND THAT ACCORDINGLY THE FILING BY THE PLANTIFF OF HIS STATEMENT OF FACTS OF THE CASE CONSTITUTES A VIOLATION OF S 8.01-271.1 of the code of va as amended.

NOW,THEREFORE, THE COURT DOTH ADJUDGE, ORDER AS FOLLOWS;

(1) THAT THE STATEMENT OF THE FACTS NOT BE FILED IN THE RECORD OF THIS CASE.

(2) THAT THE DEFENDANT, MADELINE T. WATTS, RECOVER FROM

NOTHING FURTHER REMAINING TO BE DONE, THIS ACTION IS STRICKEN FROM THE DOCKET.

ENTER: LAW
DATE : 1/6 /98 SHOULD BE 2
JOSEPH E SPRUILL, JR.
JUDGE

WE ASK FOR THIS:

R. MICHAEL MCKENNEY

COUNSEL FOR DEFENDANTS

TRUE COPY:
TESTE : GWYNNE J CHEATHAM
DEPUTY CLK

Court, U.S.
FILED
JAN 19 1993
OFFICE OF THE CLERK

No. 92-1091

In The Supreme Court Of The United States

OCTOBER TERM, 1992

CLARENCE H. HOLDING,

Petitioner,

v.

LEWIS BROTHERS, JR., MAX ZOECHLER, JOHN W. PARTUM, BRIAN SILVERMAN, MADELINE T. WATTS,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF VIRGINIA

BRIEF IN OPPOSITION MADELINE T. WATTS RESPONDENT

John W. Ware, Jr.
LEWIS AND WARE, P.C.
300 Duke Street
P.O. Box 366
Tappahannock, Virginia 22560
(804) 443-3373

Counsel for Respondent Madeline T. Watts

LAWYERS PRINTING COMPANY 7th & Franklin Bldg. Richmond, Virginia 23219 (804) 648-3664

QUESTIONS PRESENTED

The questions presented by the Petitioner are vague so those questions are summarized as follows:

1. Did the Trial Court deny the Petitioner his right to a trial by jury?

2. Did Virginia Supreme Court Elizabeth B. Lacy have a conflict of interest preventing her from rendering a fair review of the Petitioner's case in the Supreme Court of Virginia?

3. Did the respondents conspire against the Petitioner?

4. Were the sanctions granted by the Trial Court unto Respondent, Madeline T. Watts, in error?

TABLE OF CONTENTS

	Page
Questions Presented.....	i
Table of Authorities.....	iv
Opinion Below.....	1
Constitutional Provision Involved.....	1
Statement of the Case.....	3
Summary of Argument.....	15
The Trial Court did not deny the Petitioner his right to a trial by jury.....	17
The Honorable Elizabeth B. Lacy, Justice of the Virginia Supreme Court did not have a conflict of interest preventing her from rendering a fair review of the Petitioner's case in the Supreme Court of Virginia....	20
The Respondents did not conspire against the Petitioner.....	22
The sanctions granted by the Trial Court unto Respondent, Madeline T. Watts, were not in error.....	23

TABLE OF CONTENTS,
continued

	Page
Conclusion.....	23
Certificate of Service.....	25
Appendix.....	A-1

TABLE OF AUTHORITIES

	Page
Cases:	
Chase SecuritiesCoroporation v. Donaldson, 325 US 304, 89 L Ed 1628, 65 S Ct 1137, (1945), reh den 325 US 896, 89 L Ed 2006, 65 S Ct 1561.....	19
Constitution:	
U. S. Const. Amend VII.....	1
Statutes:	
Va. Code § 8.01-248.....	3,9, 17
Va. Code § 8.01-271.1.....	3,4, 7,9, 12,14
Va. Code § 13.1-501.....	6
Va. Code § 18.2-111.....	5
Va. Code § 18.2-499.....	22
Va. Code § 18.2-500.....	22
Rules:	
U. S. Sup. Ct. Rule 10.1.....	15
Va. S. Ct. Rule 1:13.....	11,14
Vs. S. Ct. Rule 5:11.....	4,13

TABLE OF AUTHORITIES,
continued

Page

Miscellaneous:

51 Am Jur 2d,
Limitations of Actions
§488 (1970)..... 18

51 Am Jur 2d,
Limitations of Actions
§27 (1970)..... 18

12A, Michie's Jurisprudence,
Malicious Prosecution
§2 (1988)..... 19

NO. 92-1091
IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1992

CLARENCE H. HOLDING,
PETITIONER

v.

LEWIS BROTHERS, JR, MAX ZOECHLER, JOHN W. PARTUM, BRIAN SILVERMAN, MADELINE T. WATTS
RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO
THE SUPREME COURT OF VIRGINIA

BRIEF IN OPPOSITION
MADELINE T. WATTS
RESPONDENT

OPINION BELOW

The August 14, 1992 Order of the Supreme Court of Virginia dismissing the Petitioner's appeal and the September 18, 1992 Order of the Supreme Court of Virginia are not reported. The text of the Orders are set forth on Pages A-1 and A-2 of the Appendix attached hereto.

CONSTITUTIONAL PROVISION INVOLVED

Amendment VII of the Constitution of the United States of America:

> In suits at common law, where the value in controversy shall exceed twenty dollars, the right to trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

Madeline T. Watts files the following Statement of the Case upon her disagreement with those filed by Clarence H. Holding. The Petition filed by Clarence H. Holding attempts to introduce evidence not a part of the record that is misleading and inaccurate. For brevity and clarity, the Petitioner, Clarence H. Holding[1], will be referred to as "Holding"; the Respondents, Lewis Brothers, Max Zoeckler, John Parthum and Brian Silverman, as "Brothers"; the respondent, Madeline T. Watts, as "Mrs. Watts"; the Circuit Court of Westmoreland County as "the Trial Court"; and the Supreme Court of Virginia as "Virginia

---

[1]The Petition for Writ of Certiorari refers to "Clarence H. Holding, DBA., Clarence H. Holding & Company" yet in all subject legal proceedings the Petitioner was acting as an individual, and therefore all references to the Petitioner are in his individual capacity.

Supreme Court".

STATEMENT OF THE CASE

Holding appealed to the Virginia Supreme Court Orders of the Trial Court, entered on December 12, 1991, holding that Holding's Motion for Judgment alleging a malicious prosecution on the part of Brothers, and Mrs. Watts was barred by Va. Code § 8.01-248 (a one year statute of limitations) and granting Mrs. Watts' sanctions of $250.00 from Holding pursuant to Va. Code § 8.01-271.1; Order entered January 6, 1992, dismissing Holding's "MOTION AND DEMAND TO SET ASIDE AND DISMISS THE ORDER OF NOVEMBER 13, 1991, OF ONE YEAR STATUTE OF LIMITATIONS"; and Order entered March 6, 1992, holding that no Statement of Facts be filed in the record of this case for failure to adhere

to Rule 5:11 of the Rules of the Supreme Court of Virginia and granting Mrs. Watts' sanctions of $500.00 from Holding pursuant to Va. Code § 8.01-271.1. Holdings appeal and subsequent petition for re-hearing were refused by the Virginia Supreme Court on August 14, 1992 and September 18, 1992, respectively.

Mrs. Watts is a private citizen of the Commonwealth of Virginia. The other respondents (Brothers) are employees of the State Corporation Commission of the Commonwealth of Virginia; and were represented by R. Michael McKenney, Esquire in the Trial Court and Virginia Supreme Court.

STATEMENT OF THE FACTS

The following is a short summary of the facts that led to the above legal proceedings submitted in lieu to those

facts set forth in Holding's Petition.

Pursuant to a warrant of arrest in the General District Court of Essex County, Virginia, signed by Suzanne F. Lowe, Magistrate, upon the sworn statement of S. S. Clarke of the Essex County Sheriff's Department, Clarence Houston Holding, a.k.a. Clarence H. Holding, was arrested on November 2, 1989, for the felony of embezzlement from Madeline T. Watts, pursuant to Va. Code § 18.2-111.

On recommendation of the Commonwealth of Virginia, on January 11, 1990, the warrant was marked nolle prosequi by the General District Court. The felony charge arose from the sale of securities to Mrs. Watts by Holding while he was allegedly not registered to sell securities in the Commonwealth of Virginia with the State Corporation Commission ("SCC"). As a

result of the sale, Holding collected the sum of $10,000 from Mrs. Watts. Such action by Holding caused the SCC to investigate pursuant to Va. Code § 13.501, et seq.

There is nothing in the record to indicate that Mrs. Watts ever made a statement under oath to Suzanne F. Lowe, Magistrate, that resulted in Holding's arrest. The integrity and history (both medical, professional and personally) of Holding are not in the record.

Holding filed a Motion for Judgment against Mrs. Watts and Brothers on or about September 3, 1991, in the Circuit Court of Westmoreland County, Virginia. He alleged that he was damaged in the amount of $10,000,000 by each defendant as a result of his arrest for embezzlement. Holding also asked for triple punitive

damages. Holding's Motion for Judgment set forth that Brothers, and Mrs. Watts maliciously had him arrested for embezzlement from Mrs. Watts and that they conspired in his arrest.

Mrs. Watts timely filed three pleadings including a grounds of defense, that included an affirmative defense of the statute of limitations; a motion to transfer the case to the Circuit Court of Essex County, Virginia; and a motion pursuant to Va. Code § 8.01-271.1, 1950, as amended, for sanctions.

Brothers filed a motion to transfer venue and a plea of the statute of limitations.

As a result of the defensive pleadings, a hearing occurred in the Circuit Court of Westmoreland County, Virginia, on November 13, 1991. Counsel

for Mrs. Watts and Brothers were present at the hearing as was Holding, who had been notified by mail. A court reporter was present who recorded the proceedings upon the request of the Trial Court who further ordered that the losing party would pay the costs of the court reporter. Counsel for Mrs. Watts and Brothers moved the Trial Court to dismiss the Motion for Judgment. The grounds of the argument were that the action alleged was that of the tort of malicious prosecution and that the one year limitation of action barred the subject law suit. Holding responded by reading his Motion for Judgment and arguing that his action was not barred since he alleged both injury to his person (a two year limitation of action) and to his property (a five year limitation of action). An objection by counsel for Mrs.

Watts to the further reading of the Motion for Judgment and the relevance of the testimony of Holding's personal history was sustained by the Trial Court. The Trial Court ordered that the action alleged was a malicious prosecution action and that it was barred by the one year statute of limitation of Va. Code § 8.01-248 since the action accrued on January 11, 1990, but was not filed until on or about September 3, 1991.

Upon further argument the Trial Court ordered sanctions of $250 against Holding pursuant to Va. Code § 8.01-271.1 for reasons set forth in the Order dated December 12, 1991, and ordered him to pay the costs of the court reporter.

In the presence of counsel for Mrs. Watts and Brothers, and Holding, the Trial Court set December 12, 1991, as the date

that it would enter the Order to be prepared by counsel for Brothers.

The Trial Court's ruling was made after Holding filed a "MOTION TO DISMISS GROUNDS FOR DEFENSE AND PLEA OF STATUTE OF LIMITATIONS"; "MOTION TO DISMISS TRANSFER OF VENUE" and "AFFIDAVIT".

Without specificity, Holding objected to the action of the Trial Court which was duly noted.

The Trial Court held the scheduled hearing on December 12, 1991, to enter its Order regarding the November 13, 1991 hearing. Prior to this hearing, Holding filed "MOTION TO SET ASIDE AND DISMISS SANCTIONS NOVEMBER 13, 1991" AND "MOTION AND DEMAND TO SET ASIDE AND DISMISS ORDER OF NOVEMBER 13, 1991 1 YEAR STATUTE OF LIMITATIONS, OBJECTIONS". Again in the presence of all parties, the Trial Court

ordered the court reporter to record the proceedings. The Trial Court entered an Order on December 12, 1991, of the November 13, 1991 hearing over objection of Holding. The Trial Court then heard the argument of Holding in support of his "MOTION TO SET ASIDE AND DISMISS SANCTIONS NOVEMBER 13, 1991" and "MOTION AND DEMAND TO SET ASIDE AND DISMISS ORDER OF NOVEMBER 13, 1991 1 YEAR STATUTE OF LIMITATIONS, OBJECTIONS" and denied these motions and ordered Holding to pay the costs of the court reporter. Endorsement of counsel of the Order of the hearing was dispensed with pursuant to Rule 1:13 of the Rules of the Supreme Court of Virginia, and such Order was entered on January 6, 1992.

On December 24, 1991, Holding filed a Notice of Appeal to the Order of December 12, 1991, concerning the hearing of

November 13, 1991. Holding filed on or about January 14, 1992, an "OBJECTIONS TO ORDER DATED JANUARY 6, 1992" and a Notice of Appeal of the second Order. In both Notices of Appeal, Holding set forth "STATEMENT OF FACTS, OR TRANSCRIPT TESTIMONY AND OTHER INCIDENTS OF THE CASE WILL BE FILED".

Holding filed a document entitled "STATEMENT OF FACTS OF THE CASE". That document was marked filed in the Clerk's Office of the Circuit Court of Westmoreland County, Virginia on February 6, 1991.

Mrs. Watts filed an objection to the Statement of Facts and another motion pursuant to Va. Code §8.01-271.1 on February 18, 1992. Timely written notice to the Honorable Joseph E. Spruill, Jr., Judge of the Circuit Court of Essex

County, Virginia of such objections was given. Brothers also filed similar timely motions.

As a result, Holding filed a "MOTION TO PARDON THE TIME RECEIPT OF FILING"; a "MOTION TO DISMISS OBJECTIONS OF DEFENDANTS"; a "MOTION TO DISMISS MADELINE T. WATTS MOTION PURSUANT TO SEC 8.01-271.1 CODE OF VA". Upon a hearing on February 20, 1992, wherein Holding and counsel for Mrs. Watts and Brothers were present, the Trial Court ruled that since more than fifty-five days had elapsed between December 12, 1991, and February 6, 1992, the date the Statement of Facts was filed, Rule 5:11 of the Rules of the Supreme Court of Virginia had been violated and no Statement of Facts could be filed for the Order of December 12, 1991, and hearing of November 13, 1991. Further the Trial

Court ruled that the Statement of Facts did not accurately reflect the actions of the Trial Court and attempted to introduce legal arguments in support of Holding's appeal and facts unrelated to the issues before the Trial Court, when a transcript of the proceedings was available. Sanctions of $750 were ordered to be paid Mrs. Watts by Holding pursuant to Va. Code § 8.01-271.1. Endorsement by Counsel was dispensed with pursuant to Rule 1:13 of the Rules of the Supreme Court of Virginia and counsel for Brothers prepared the Order entered on March 6, 1992.

After March 6, 1992, Holding filed with the Trial Court the following pleadings: "JURY TRIAL IS DEMANDED"; "OBJECTIONS TO ORDER 2/20/92 MOTION TO SET ASIDE" and "DEMAND MOTION JUDGE JOSEPH EDWARD SPRUILL, JR. DISQUALIFY HIMSELF AND

STEP ASIDE". Holding filed a "MOTION FOR REVERSAL OF JUDGMENT" with the Supreme Court of Virginia. Although not received by Counsel for Mrs. Watts, a motion to disqualify the Honorable Joseph E. Spruill, Jr., was filed with the Court of March 12, 1992. Such motion was denied on March 17, 1992 by Order of the Supreme Court of Virginia. Subsequently Holding filed with the Supreme Court of Virginia other pleadings, all of which were refused.

SUMMARY OF ARGUMENT

Holding's petition should be denied for the simple reason that it fails to meet the "special and important reasons" standard enunciated in Rule 10.1 of the Rules of this Court. Contrary to the statement of jurisdiction set forth on in the Petition, this matter does not involve

(a) a decision, or any other action, by a United States Court of Appeals, (b) a decision on a federal question by the Supreme Court of Virginia that conflicts with a decision rendered by another state court of last resort or a United States court of appeals, or (c) "an important question of federal law" that should be decided by this Court or that was decided below in a manner which conflicts with applicable law established by this Court. Petitioner has failed to cite or otherwise meaningfully identify any decision of any tribunal that is in conflict with the decisions rendered below. Holding's due process guarantees were fully vindicated below, and his petition raises no other federal question of any significance.

ARGUMENT

1. The Trial Court did not deny the Petitioner his right to a trial by jury.

Holding's Motion for Judgment (see page A-3 of the Appendix) was dismissed by the Trial Court because the statute of limitations concerning the tort of malicious prosecution had expired pursuant to Va. Code § 8.01-248 (see reviser's note thereto)[2]

No facts or dates were in question concerning the alleged tort of

---

[2] §8.01-248. **Personal actions for which no other limitation is specified.**- Every personal action, for which no limitation is otherwise prescribed, shall be brought within one year after the right to bring such action has accrued. (Code 1950, § 8-24; 1954, c. 589; c.589; 1973, c. 385; 1977, c. 617.)

REVISERS' NOTE

Section 8.01-248 is a catch-all provision for actions not otherwise covered by a statute of limitation; e.g., malicious prosecution and abuse of process. Cf. § 8.01-249 (3).

malicious prosecution. A review of Holding's Motion for Judgment indicates that he was arrested on November 2, 1989 for embezzlement from Mrs. Watts and that his case was finally adjudicated on January 11, 1990. Holding did not file this civil action until September 3, 1991, a period exceeding one year from either the date of arrest or final adjudication.

Therefore the decision of the Trial Court was a question of law and not a question of fact. Such a question is in the province of the Court to decide and not a jury, 51 Am Jur 2 d, Limitations of Actions § 488 (1970).

This Court has adopted a working hypothesis, as a matter of constitutional law, the view that statutes of limitation are a matter of remedy and not fundamental rights. 51 Am Jur 2 d, Limitations of

Actions § 27 (1970); Chase Securities Corporation v. Donaldson, 325 U S 304, 89 L Ed 1628, 65 S Ct 1137, (1945), reh den 325 U S 896, 89 L Ed 2006, 65 S Ct 1561.

Holding has also argued that a two year or five year statute of limitations are applicable, because of the injuries he suffered. A review of his Motion for Judgment indicates a tort of malicious prosecution. Malicious prosecution in Virginia is a judicial proceeding instituted with the intention of injuring a defendant without probable cause and which terminates in favor to the person prosecuted. The purpose of his action is to redress damages the plaintiff may have sustained, either in his reputation, in his person by imprisonment or in his property by expenses incurred. 12 A Michie's Jurisprudence, Malicious

Prosecution § 2 (1988).

Holding seeks to vindicate himself through his petition and the many pleadings he has filed with evidence never before the Trial Court and self serving statements improperly submitted for appellate purposes.

In summary Holding's malicious prosecution action was barred by a statute of limitation as a matter of law meaning he was not entitled to a jury. All of the unfounded accusations of unfairness and unfounded questions of appeal are meaningless since Holding's action never was entitled to a jury.

2. The Honorable Elizabeth B. Lacy, Justice of the Virginia Supreme Court Elizabeth B. Lacy did not have a conflict of interest preventing her from rendering

a fair review of the Petitioner's case in the Supreme Court of Virginia.

Holding's sole argument is that since all of the respondents, except Mrs. Watts, are employees of the SCC, then The Honorable Elizabeth B. Lacy, Justice, of the Virginia Supreme Court should not have participated in any decision because she was a former Commissioner of the SCC. Mrs. Watts disagrees with this assumption because Holding has advanced no argument of law or fact for it other than the decision was decided against him. The baseless argument of Holding does not reach a level of comment. An attack of the reputation of the Trial Court Judge is also baseless and unfounded.

3. The Respondents did not conspire against the Petitioner.

Holding's theory of conspiracy is unfounded. Clearly the tort complained of by Holding is malicious prosecution. The definition of that tort previously set forth herein would include conspiracy. Va. Code §§ 18.2-499 and 18.2-500 are not applicable. The former statute is a criminal conspiracy statute and the later is the civil remedy available to the victim of that criminal statute. Other than Holding's accusations there is no evidence of a conviction of Mrs. Watts or Brothers of the subject criminal statute thereby rendering Holding's argument inapplicable.

4. The sanctions granted by the Trial Court unto Respondent, Madeline T. Watts, were not in error.

Obviously issue is taken to any accusation of improper conduct of counsel for Mrs. Watts or separate counsel for Brothers. Holding's various pleadings and briefs are evidence of the correctness of the Trial Court's decision to render sanctions against him.

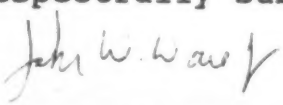
CONCLUSION

The dismissal by the Virginia Supreme Court was proper. The Petition for Certiorari is full of obvious misstatements too numerous to cite in detail but hereby excepted. Holding has used the petition to embellish his own reputation while condemning the opposing attorneys, Trial Court Judge and Justice

Lacy for improper conduct solely because his case was dismissed. The mere fact that Holding lost his appeal is not a special and important reason for review by the Court.

The Petition should be denied.

Respectfully submitted,



John W. Ware, Jr.
Attorney for Madeline T. Watts,
respondent

CERTIFICATE OF SERVICE

I hereby certify that on January 19th, 1993, three copies of the foregoing Brief in Opposition were mailed by first class mail, postage prepaid to Clarence H. Holding, Route 1, Box 2, Mount Pleasant Plantation, Hague, Virginia 22469.

John W. Ware, Jr.

APPENDIX

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 14th day of August, 1992.

Clarence H. Holding, Appellant,

against Record No. 920336
Circuit Court No. 91-69

Lewis Brothers, et al., Appellees.

From the Circuit Court of Westmoreland County

Upon review of the record in this case and consideration of arguments submitted in support of and in opposition to the granting of an appeal, the Court is of opinion there is no reversible error in the judgment complained of. Accordingly, the Court refuses the petition for appeal.

A Copy,

Teste:

David B. Beach, Clerk

By: /s/ Deputy Clerk

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 18th day of September, 1992.

Clarence H. Holding Appellant,

against Record No. 920336
Circuit Court No. 91-69

Lewis Brothers, et al., Appellees.

Upon a Petition for Rehearing

On consideration of the petition of the appellant to set aside the judgment rendered and an order entered herein on the 14th day of August, 1992 and grant a rehearing thereof, the prayer of the said petition is denied.

A Copy,

Teste:

/s/ David B. Beach, Clerk

V I R G I N I A

IN THE CIRCUIT COURT OF WESTMORELAND COUNTY, CIVIL LAW

CLARENCE H. HOLDING, PLAINTIFF,

V. CASE NO. 91-69

LEWIS BROTHERS, MAX ZEIGLER, JOHN W. PARTHUM, BRIAN SILVERMAN, MADELINE T. WATTS. DEFENDANTS.

MOTION FOR JUDGMENT AND DAMAGES

COMES NOW CLARENCE H. HOLDING BY COUNSEL AND FILES HIS MOTION FOR JUDGMENT AND DAMAGES AND IRREPARABLE INJURIES, MENTAL SUFFERING SUSTAINED AS A RESULT OF THE DEFENDANTS DELIBERATE, INTENTIONAL, VICIOUS, WITH MALICE CHARGE AND ARREST OF MR. HOLDING FOR A FELONY CRIMINAL CHARGE OF EMBEZZLEMENT OF $10,000 FROM MADELINE T. WATTS. THE CRIMINAL CHARGE OF EMBEZZLEMENT OF $10,000 WAS DISMISSED ON JANUARY 11, 1990 BY JUDGE HYDE OF ESSEX GENERAL DISTRICT COURT. MR. HOLDING ASK $10,000,000 FROM EACH AND 3 TIMES IN

PUNITIVE DAMAGES.

1. THE DEFENDANTS HAD MR. HOLDING ARRESTED ON A CRIMINAL FELONY CHARGE OF EMBEZZLEMENT OF $10,000 FROM MADELINE T. WATTS ON SEPTEMBER 2, 1989.

2. THE CRIMINAL FELONY CHARGE WAS DISMISSED BY JUDGE HYDE OF GENERAL DISTRICT COURT OF ESSEX COUNTY ON JANUARY 11, 1990.

3. THE CHARGE AND ARREST OF FELONY EMBEZZLEMENT OF $10,000 AND THE DISMISSAL ON JANUARY 11, 1990 FORMS THE BASIS FOR THIS ACTION FOR JUDGMENT AND DAMAGES, IRREPARABLE INJURIES, MENTAL SUFFERING, PERMANENT DAMAGES, HUMILIATION, DAMAGES TO CHARACTER, INTEGRITY, PERSON, BUSINESS, LIFE OF IMPECCABLE INTEGRITY, CHARACTER, LIFE.

4. MR. HOLDING HAS SUSTAINED $10,000,000 IN DAMAGES FROM EACH DEFENDANT AND TRIPLE PUNITIVE DAMAGES FROM THE EACH

DEFENDANTS.

5. MR. HOLDING THEREFORE, ASK AND DEMANDS $10,000,000 FORM EACH DEFENDANT AND TRIPLE PUNITIVE DAMAGES FORM EACH DEFENDANTS FOR THE DAMAGES AND IRREPARABLE INJURIES SUSTAINED, PLUS MENTAL SUFFERING, DAMAGES TO PERSON, INTEGRITY, AND BUSINESS.

6. THE DEFENDANTS ARE CONSPIRATORS IN THE FELONY CHARGE AND ARREST OF MR. HOLDING.

WHEREFORE, FOR TRUE HONEST CAUSES SHOWN ABOVE AND TO ENABLE THE ENDS OF TRUE HONORABLE JUSTICE TO PREVAIL, MR. HOLDING ASK AND DEMANDS $10,000,000 FROM EACH DEFENDANT COMPENSATORY DAMAGES AND ALSO 3 TIMES (TRIPLE)/PUNITIVE DAMAGES. INSTILL IN THE DEFENDANTS OF THE WRONGS AND DAMAGES DONE TO MR. HOLDING AND IN SOME WAY PREVENT A SIMILAR OCCURRENCE.

RESPECTFULLY SUBMITTED,

/s/CLARENCE HOUSTON HOLDING

CLARENCE HOUSTON HOLDING,

COUNSEL FOR THE PLANTIFF.

/s/CLARENCE HOUSTON HOLDING

CLARENCE HOUSTON HOLDING
ROUTE 1 BOX 2
MOUNT PLEASANT PLANTATION
HAGUE, VA 22469
(804) 472-2026

CERTIFICATE OF SERVICE

COUNSEL FOR PLANTIFF.

I CERTIFY I PAID FOR INDIVIDUAL SHERIFF SERVICE TOTAL $5.00/FOR EACH DEFENDANT $25 TOTAL ON SEPTEMBER 3, 1991.

/s/ CLARENCE HOUSTON HOLDING,

CLARENCE HOUSTON HOLDING

FILING AND MAILING CERTIFICATE

I hereby certify that on this 19th day of January, 1993, I filed via certified mail 40 copies of a Brief in Opposition to the Petition for Writ of Certiorari with the Clerk's Office of the Supreme Court of the United States and further certify that I mailed via first class mail, postage prepaid, the required three (3) copies to Clarence H. Holding, Route 1, Box 2, Mount Pleasant Plantation, Hague, Virginia 22469.

The necessary filing and mailing was performed in accordance with the instructions given me by counsel in this case.

Barbara Drake/mcd

Lawyers Printing Company
Suite B-115
7th & Franklin Building
Richmond, Virginia 23219

(3)

Supreme Court, U.S.
FILED
JAN 22 1993
OFFICE OF THE CLERK

NO. 92-1091

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1992

CLARENCE H. HOLDING, d/b/a
CLARENCE H. HOLDING & COMPANY,
Petitioner,

v.

LEWIS W. BROTHERS, JR., ET AL.,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF VIRGINIA

BRIEF IN OPPOSITION

Anthony Gambardella
General Counsel
Joel H. Peck
Senior Counsel
(Counsel of Record)

State Corporation Commission
of Virginia
Office of General Counsel
P.O. Box 1197
Richmond, Virginia 23209
(804) 786-8671

26 pp

QUESTIONS PRESENTED

Was Petitioner denied the due process of law guaranteed by the fourteenth amendment of the United States Constitution (i) when the Circuit Court of Westmoreland County, Virginia ruled that his cause of action was barred by the statute of limitation established by the Code of Virginia or (ii) when his petition for appeal filed with the Supreme Court of Virginia was denied by a three-Justice panel, one member of which was formerly acquainted with Respondents?

TABLE OF CONTENTS

	Page
Question Presented	i
Table of Authorities	iii
Opinion Below	2
Constitutional Provision Involved .	2
Statement of the Case	3
Summary of Argument	9
Argument	9
Conclusion	20
Certificate of Service	20

TABLE OF AUTHORITIES

	Page
Cases:	
Aetna Life Insurance Co. v. Lavoie, 475 U.S. 813 (1986)	15, 16
Logan v. Zimmerman Brush Co., 455 U.S. 422 (1982)	13
Tumey v. Ohio, 273 U.S. 510 (1948)	16, 17
Constitutions:	
U.S. Const. amend. XIV	i, 2, 13, 15
Va. Const. art. IX	7
Statutes:	
Va. Code § 8.01-243	19
Va. Code § 8.01-248	4, 12, 13
Va. Code § 8.01-249	4, 12, 13
Va. Code § 18.2-499	19
Va. Code § 18.2-500	19
Va. Code § 49-1	18

Page

Rules:

U.S. Sup. Ct. Rule 10.1 ..... 9, 10

U.S. Sup. Ct. Rule 14.5 ..... 9, 18

Va. Sup. Ct. Rule -
Judicial Canon 2 17

Va. Sup. Ct. Rule -
Judicial Canon 3 17

NO. 92-1091

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1992

CLARENCE H. HOLDING, d/b/a
CLARENCE H. HOLDING & COMPANY,
Petitioner,

v.

LEWIS W. BROTHERS, JR., ET AL.,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF VIRGINIA

BRIEF IN OPPOSITION

OPINION BELOW

The September 18, 1992, March 17, 1992, and August 14, 1992, orders of the Supreme Court of Virginia are not (and will not be) reported. The November 13, 1991, December 12, 1991, January 6, 1992, and March 6, 1992, orders of the Circuit Court of Westmoreland County, Virginia are not (and will not be) reported.

CONSTITUTIONAL PROVISION INVOLVED

Amendment XIV, § 1 of the Constitution of the United States of America:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

On or about September 3, 1991, Holding, acting pro se, filed in the Circuit Court of Westmoreland County, Virginia a pleading captioned "Motion for Judgment and Damages" (App. to Pet., p. "D"). The relief sought by Holding was $10,000,000 in compensatory damages from each Defendant (i.e., each of the Respondents herein) and treble that amount in punitive damages from the Defendants. The pleading failed to identify any statutory or other specific cause of action, but stated (in ¶ 3) that "the basis for this action" is a criminal felony charge issued against Holding (on September 2, 1989), which was dismissed on January 11, 1990. The Circuit Court deemed the case to be an action for malicious prosecution, sustained the

Defendants' plea of the statute of limitation, and dismissed the case (Cir. Ct. Order of 12/12/91, App. to Pet., unnumbered page).

Va. Code § 8.01-248 (1992) provides: "Every personal action, for which no limitation is otherwise prescribed, shall be brought within one year after the right to bring such action has accrued." The Revisers' Note to this Code section states that "[s]ection 8.01-248 is a catch-all provision for actions not otherwise covered by a statute of limitation; e.g., malicious prosecution and abuse of process" (emphasis added). Va. Code § 8.01-249, subsection 3 (1992) prescribes that a cause of action for malicious prosecution (as well as for abuse of process) is deemed to accrue when the relevant criminal action is terminated.

In this matter, the relevant criminal action was terminated on January 11, 1990, one year and almost nine months before Holding filed his motion for judgment in the Westmoreland County Circuit Court.

Sometime following dismissal of the motion for judgment, Holding filed a petition appealing the lower court's dismissal of his motion, and several other petitions, with the Supreme Court of Virginia. All of these pleadings were denied (App. to Pet., p. "B"). Among other assertions, Holding claims that he was denied due process of law by the Virginia Supreme Court because one member of the three-Justice panel which heard oral arguments and ruled on his petitions is a former member of the State Corporation Commission, the employer of all the Respondents, except Ms.

Watts (hereinafter, "Respondents" refers to Brothers, Zoeckler, Parthum and Silverman).

The Petition (p. 5) identifies the members of the panel as Justices "Christine," Poff, and Lacy. Repeated references to these Justices are made throughout the Petition. According to the Clerk's Office of the Virginia Supreme Court, Mr. Justice A. Christian Compton, Mrs. Justice Elizabeth B. Lacy and Mr. Senior Justice Richard H. Poff comprised the panel which heard arguments on the petition for appeal. In addition, the Clerk's Office advised that Holding's other pleadings were decided without oral arguments.

Immediately prior to becoming a member of the Supreme Court of Virginia on January 4, 1989, Justice Lacy was a

Commissioner of the State Corporation Commission, a department of state government established by article IX of the Constitution of Virginia. Justice Lacy's tenure as a Commissioner was from April 1, 1985, through December 31, 1988.

The State Corporation Commission ("Commission") is a regulatory body charged with the administration and enforcement of Virginia's laws concerning the regulation and supervision of public utility operations, insurance, state-chartered financial institutions, rail and truck transportation, investment securities and retail franchises. In addition, the Commission assesses public service corporations for state and local taxation, administers the formation and registration provisions of the

corporation, limited partnership and limited liability company statutes of the Commonwealth, and is the central filing office under the "Secured Transactions" provisions of the Uniform Commercial Code.

The Commission has been in continuous operation since March 1903. During the years Justice Lacy was a Commissioner, the Commission had thirteen operating divisions and 500-600 employees. One of the operating divisions was (and is) the Division of Securities and Retail Franchising, of which Respondent Brothers is the Director and Respondents Zoeckler, Parthum and Silverman are employees. While a Commissioner, Justice Lacy worked with some or all of these Respondents, as well as with many of the other employees of the Commission.

SUMMARY OF ARGUMENT

The Petition should be denied for the reasons that it fails to meet the "special and important reasons" standard enunciated in Rule 10.1 of the Rules of this Court and it fails the "accuracy, brevity, and clearness" test of Rule 14.5. Furthermore, Holding's due process guarantees were fully accorded below, and his Petition raises no other federal question of any significance.

ARGUMENT

At the outset, Respondents urge that denial of the Petition is warranted because it fails to set forth a reason for review that meets any of the elements of this Court's Rule 10.1. The only courts referred to in the Petition are courts of the Commonwealth of Virginia, so, clearly, Rule 10.1(a) does not apply here. Holding

has not identified a Virginia Supreme Court decision involving a federal question which conflicts with the decision of another state court of last resort or of a United States court of appeals; thus, Rule 10.1(b) provides no basis for granting the Petition. Likewise, paragraph (c) of Rule 10.1 is inapplicable as there is no reference in the Petition to a decision of the Supreme Court of Virginia involving a question of federal law either that should be answered by this Court or that conflicts with applicable decisions of this Court. As is evident from the content of the Petition, it does not present any "special and important reasons" that justify this Court's review of the proceedings below.

The only questions properly before this Court are whether Petitioner was

denied due process of law (i) by the dismissal of his motion for judgment filed in the Circuit Court of Westmoreland County or (ii) by the manner in which his petition for appeal was decided by the Supreme Court of Virginia. The other purported questions presented by Holding were not reviewed by the Virginia Supreme Court and are primarily arguments and conclusions unsupported by fact or law.

The gravamen of Holding's complaint is his dissatisfaction with the Circuit Court's interpretation of, and ruling on, his motion for judgment. Because Petitioner, acting pro se, filed a pleading that was not clearly and precisely drafted, the trial court was put to the burden of educing the nature of the action from the substance of the document. In that court's view of the motion for

judgment, the cause of action was based on the alleged malicious prosecution of Petitioner at the behest of Respondents. Under Virginia law, such a cause of action must be brought within one year from the date the prosecution was terminated (Va. Code §§ 8.01-248 and 8.01-249). In the case at bar, that date was January 11, 1990, nineteen months before Holding filed his motion for judgment.

In light of the facts of the case before it and the applicable statute, the Circuit Court sustained Respondents' plea of the statute of limitation and dismissed the action. Nothing concerning this dismissal resulted in Holding being denied due process of law. To the contrary, he was accorded due process, but it was conditioned upon his acting in a

timely manner -- a condition he failed to meet.

This Court has held that the fourteenth amendment's guarantee of due process of law is not violated, per se, by a State imposed statute of limitation. In Logan v. Zimmerman Brush Co., 455 U.S. 422 (1982), the Court stated:

> Obviously, nothing we have said entitles every civil litigant to a hearing on the merits in every case. The State may erect reasonable procedural requirements for triggering the right to an adjudication, be they statutes of limitations, ... or, in an appropriate case, filing fees. And the State certainly accords due process when it terminates a claim for failure to comply with a reasonable procedural or evidentiary rule.

Id. at 437 (citations omitted; emphases added).

The one-year limitation period established by Va. Code §§ 8.01-248 and 8.01-249 is a reasonable requirement. Petitioner has not argued otherwise.

The only other constitutional matter that Holding has raised which elicits a response is the assertion that he was denied due process of law because Justice Lacy participated in hearing oral argument and ruling on his pleadings filed with the Supreme Court of Virginia. Respondents believe this assertion is without merit, but feel compelled to respond to it because of the negative implication it creates.

The bases of this contention are (i) that Justice Lacy worked with and supervised Respondents during the three-and-one-half years she was a Commissioner of the State Corporation Commission, and (ii) that she was a participant in the three-Justice panel that ruled on several pleadings Holding filed with the Virginia Supreme Court. Respondents agree with the foregoing statements except that,

according to the Virginia Supreme Court Clerk's Office, Holding's petition for appeal was the only one of his several pleadings on which the three-Justice panel heard oral argument and made a decision. The other pleadings were decided by "the Court."

It is well established that the bias and prejudice of a judge involved in a proceeding can result in a party to the proceeding being denied due process of law. However, it is also recognized that "only in the most extreme of cases would disqualification on this basis be constitutionally required...." Aetna Life Insurance Co. v. Lavoie, 475 U.S. 813, 821 (1986). In the late 1940's, this Court expressed the opinion that it was a violation of the fourteenth amendment "to subject [a person's] liberty or property to the judgment of a court the judge of

which has a direct, personal, substantial, pecuniary interest in reaching a conclusion against him in his case." Tumey v. Ohio, 273 U.S. 510, 523 (1948). The Court went on to say that a disqualifying situation is one "which would offer a possible temptation to the average ... judge to ... lead him not to hold the balance nice, clear and true...." Id. at 523.

The Petition is devoid of any allegations that approach the criteria espoused in Tumey, much less the "extreme case" standard expressed in Aetna Life Insurance. The reason for this absence is, simply, that no such facts exist in this case.

Justice Lacy was a member of the State Corporation Commission between April 1985 and December 1988. In July 1992, when Holding's petition for

appeal was argued before the panel, Justice Lacy had been gone from the Commission for three-and-one half years. Surely, this amount of time is sufficient to quell any "possible temptation," Tumey, supra, Justice Lacy ever may have entertained as a result of her former association with Respondents.

Justice Lacy, as well as the other members of the Supreme Court of Virginia, are bound by the Canons of Judicial Conduct of the State of Virginia (these Canons comprise Part 6, § III of the Rules of the Supreme Court of Virginia, and are published in Vol. 11 (1992) of the Code of Virginia). Canon 2 B charges a judge to "not allow his family, social or other relationships to influence his judicial conduct or judgment." Canon 3 A (1) warns a judge not to be swayed by "partisan interests."

Acceptance of Petitioner's conflict-of-interest contention would be tantamount to a finding that Justice Lacy not only acted contrary to the principles applicable to her judicial conduct, but also violated her oath of office (see Va. Code § 49-1 (1989)). Nothing in the Petition comes close to supporting such a finding or to overcoming a basic premise on which this country's judicial system is built -- that those acting in an adjudicatory capacity will exercise fairness and impartiality.

Rule 14.5 of this Court provides that "[t]he failure of a petitioner to present with accuracy, brevity, and clearness whatever is essential to a ready and adequate understanding of the points requiring consideration will be a sufficient reason for denying the petition." A cursory review of the

Petition compels the conclusion that it falls squarely within the purview of this Rule.

Failure to comply with the "brevity" and "clearness" requisites is apparent from the beginning of the Petition. The "Questions Presented to the Court for Review" portion, as well as other areas of the Petition, is couched mostly in argumentative statements and conclusions. Consequently, the questions for review are neither concisely nor clearly presented.

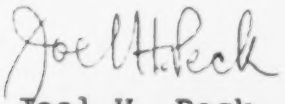
The Petition's inaccuracies are evidenced by its references to, and arguments concerning, Va. Code §§ 8.01-243, 18.2-499 and 18.2-500. Because Holding's motion for judgment was barred by a statute of limitation, these Code sections were not involved in the proceedings below and, consequently, are not before this Court.

In sum, the only issue before the Court is whether Petitioner's due process rights were denied by the Virginia courts. It is clear that they were not.

CONCLUSION

The Petition should be denied.

Respectfully submitted,



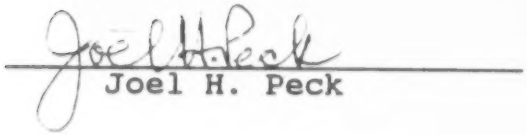
Joel H. Peck
Senior Counsel
(Counsel of Record)

CERTIFICATE OF SERVICE

I hereby certify that on January 22, 1993, three copies of the foregoing Brief in Opposition were mailed by first class mail, postage prepaid to each of the following:

Clarence H. Holding
Route 1, Box 2
Mount Pleasant Plantation
Hague, Virginia 22469

John W. Ware, Esquire
Lewis & Ware
P.O. Box 366
Tappahannock, Virginia 22560
Counsel for Respondent Watts



Joel H. Peck

Supreme Court, U.S.
FILED
FEB 10 1993
OFFICE OF THE CLERK

NO. 92-1091

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1992

CLARENCE H. HOLDING, d/b/a
CLARENCE H. HOLDING & COMPANY,
Petitioner,

v.

LEWIS W. BROTHERS, JR., ET AL.,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF VIRGINIA

REPLY BRIEF

Clarence Holding COUNSEL FOR PETITIONER PRO SE.
CLARENCE HOUSTON HOLDING
ROUTE 1 BOX 2
MOUNT PLEASANT PLANTATION
HAGUE, VIRGINIA 22469
804 472 2026

COUNSEL FOR PETITIONER, PROSE

BEST AVAILABLE COPY

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

IN THE

SUPREME COURT OF THE UNITED STATES OF AMERICA

CLARENCE H. HOLDING , CLARENCE H. HOLDING & COMPANY ,
PETITIONER,

V.

LEWIS W. BROTHERS, JR., MAX ZOECKLER, JOHN W. PARTHUM,
BRIAN SILVERMAN, MADELINE T. WATTS. RESPONDANTS.

TO THE HONORABLE JUSTICES OF THE SUPREME COURT.

REPLY BRIEF

COMES NOW PETITIONER , CLARENCE H HOLDING , CLARENCE H. HOLDING & COMPANY BY COUNSEL PROSE AND PRESENTS HIS REPLY BRIEF PURSUANT TO RULE 15 SEC. .6 OF THE RULES OF THE SUPRE ME COURT OF THE U.S. OF AMERICA. IN WASHINGTON, D.C. ASK FOR JUDGMENT ON ALL COUNTS.

THE BRIEFS IN OPPOSITION ARE INCORRECT, FALSE, ERRONEOUS, WITHOUT, WITHOUT MERIT, WITHOUT FOUNDATION, BOLD FACE LYING BY THEIR COUNSELS.

THE RESPONDANTS, BROTHERS, ZOECKLER, PARTHUM , SILVERMAN, WATTS COUNSELS STATE IN THE OPINIONS BELOW, THE SEPTEMBER 18, 1992, ORDERS OF AUGUST 14,1992 (3) , MARCH ,1992 OF THE SUPRE ME COURT OF VIRGINIA ARE NOT AND WILL NOT BE REPORTED . THE NOVEMBER 13,1991, DECEMBER 12, 1991, MARCH 6, JANUARY 6,1992 ORDERS OF THE CIRCUIT COURT OF WESTMORELAND COUNTY , VIRGINIA ARE NOT(WILL NOT) BE REPORTED.

MR. HOLDING WAS NOT NOTIFIED OR ADVISED THE ORDERS WOULD NOT BE REPORTED. THE ORDERS OF BOTH COURTS ARE OF RECORD AND ARE

REQUIRED TO BE REPORTED, INDEXED, PRINTED, FILED, FOR THE RECORD BY LAW, BY RULES OF THE SUPREME COURT, THE CONSTITUTION OF VIRGINIA. SO IF ANYONE NEEDS TO REFER OR REVIEW OR APPEAL THEY WILL BE EASILY LOCATED IN BOUND VOLUMES .

COUNSEL PECK IS ALSO COUNSEL FOR THE STATE CORPORATION COMMISSION OF VIRGINIA AS WELL FOR BROTHERS, ZOECKLER , PARTHUM, SILVERMAN, THE RESPONDANTS , WHO ARE MEMBERS OF THE STATE CORPORATION COMMISSION SECURITIES DIVISION .

COUNSEL PECK CONFRONTS ONLY 1 OF THE QUESTIONS PRESENTED BY THE PETITIONER , WHERE THERE ARE 7 QUESTIONSS VERY, VERY IMPORTANT LEGAL QUESTIONS PRESENTED BY RHE PETITIONER. SHE IGNORED THE OTHER 6 QUESTIONS. VERY CLEARLY AND CONCISELY STATED. THESE ARE NOT CONFRONTED BY HER BRIEF IN OPPOSITION.

BROTHERS, ZOECKLER, PARTHUM , SILVERMAN BY CPUNSEL JOEL PECK ADVOIDED THE FOLLOWING QUESTIONS ENUNERATED BELOW AS FOLLOWS: 1. JURY TRIAL WAS DEMANDED FROM THE BEGINNING BY PLEADINGS AND IN THE COURT WHICH IS A CONSTITUTIONAL RIGHT GUARANTEED BY THE 7th AMENDMENT OF THE U.S. CONSTITUTION. . THIS RIGHT IS PARMOUNT AND CANNOT BE DENIED, BUT WAS IN THE CIRCUIT COURT OF WESTMORELAND COUNTY VIRGINIA. 2. CONFLICT OF INTERESTS , WHICH IS A PARMOUNT QUESTION ENVLOVES THE JUSTICES OF THE SUPREME COURT OF VIRGINIA , THE LAWS, THE CONSTITUTION,RULES OF THE SUPREME COURT OF VIRGINIA , THIS S , OATH TAKING, RESPONSIBILTY, JUSTICE, INTEGRITY, FITN ESS FOR JUSTICE OF THE SUPREME COURT OF VA, MORAL , FAIR

TRIAL , DUE PROCESS LAWS RIGHTS. 3.PECK AVOIDED ANOTHER VERY VERY IMPORTANT QUESTION CLEARLY AND CONCISELY SET FORTH THE THE TRIAL COURT JUDGE , BIAS, PREJUDICES, FAIR TRIAL , PRO DEFENDANTS IN EVERY ORDER HE MADE 12/12/91, 1/6 /92. 3/6 /92. VIOLATED DUE PROCESS RIGHTS. 4. PECK AVOIDED THE QUESTION OF WITNESSES, LACK OF FACT FINDING, TESTIMONY NONE, DECISIONS REACHED ONLY BY PLEADINGS OF COUNSEL WHICH ARE OF NO VALUE. NEED MORE THAN THAT , LACK OF INTEGRITY OF THE COUNSELS OF WATTS6 JOHN WARE, BROTHERS ET AL , COUNSEL MCKENNEY IN WRITING THE ORDERS . 5. CONSPIRACY OF THE DEFENDANTS UNDER SEC 18.2-499, 18.2-500 Of THE CODE OF VA.SET FORTH IN THE ORIGINIAL AFFIDAVIT AND MOTION FOR JUDGMENT AND DAMAGES ON SEPTEMBER 3, 1991.THICH CAUSED UNTOLD PERMANENT IRREPARABLE PERSONAL INJURIES AND INJURIES TO PROPERTIES, BUSINESSES, ESTATES, PERSONALTY AND INTEGRITY , CHARACTER. FOR 72 YEARS AND 43 YEARS OWNER AND OPERATOR OF A BROKERAGE SECURITIES WITH OUT A SINGLE COMPLAINT. 6 . AVOIDED SEC 8.01 271.1 OF THE CODE OF VA. WHERE TWO FALSE AWARDES OF $250, $500 WEERE MADE IN THE TRIAL CT. 6. AVOIDDED SEC 8.01-243 OF CODE OF VA. BASIS OF THIS ACTION FOR PERSONAL INJURIES AND INJURY TO PROPERTIES ± PERSONAL INJURIES CARRY 2 YR. STATUTE OF LIMITATIONS AND INJURY TO PROPERTIES CARRY A 5 YEARD STATUTE OF LIMITATIONS .WHERE GROSS PERSONAL INJURIES AND GROSS INJURIES TO PROPERTIES, BUSINESSES , ESTATES, INTEGRITY,

PERSONALITY ARE PERMANENT , IRREPARABLE CAN NOT BE FIXED OR REPAIRED WERE SUSTAINED

ON SEPTEMBER 2, 1989 , BROTHERS, ZOECKLER, PARTRHM, SILVERMAN , AND WATTS IN A WELL PLANNED CONSPIRACY DID IN COLLUSION DELIBERATELY , INTENTIONALLY , GOING TO GREAT LENGTHS BY THEIR WRONGFUL , UNLAWFUL ACTS WENT DOWN TO COMMONWEALTH ATTORNEY GARRATT AND LIEUTENANT CLARKE OF THE ESSEX COUNTY AND LIED TO THEM AND HAD MR. HOLDING ARRESTED ON A $10,000 EMBEZZLEMENT CHARGE FROM WATTS WHEN MR. HOLDING WAS IN THE HOSPITAL WITH HEART TROUBLE AND HERNIA STRANGULATION. JUDGE HYDE DISMISSED THE CHARGE ON JANUARY 11, 1990 . MR. HOLDING SUFFERED GREAT IRREPARABLE PERMANENT PERSONAL INJURIEIS AND INJURIES TO HIS PROPERTIES BUSINESSES , ESTATES, TRADE, PERSONALTTY. INTEGRITY IMPECCABLE FOR 72 YEARS AND CHARACTER .

THE MOTION FOR JUDGMENT AND DAMAGES FOR INJURIES AND THE PERSONAL AFFIDAVIT OF MR. HOLDING SETS FORTH VERY VIVIDLY, VERY CLEARLY AND CONCISELY THE ACTION FOR PERSONAL INJURIEIS AND INJURIES TO PROPERTIES, BUSINESSES, ESTATES, TRADE , INTEGRITY AND CHARACTER . WHICH CODE 8.01-243 SEC OF Va GOVERNS THE TIME FOR FILING AN ACTION .WHATEVER THE THEORY OF THE ACTION FOR INJURIES -2 YRS. PERSONAL INJURIES AND 5 YEARS INJURIES TO PROPERTIES OF ALL KIND .

DUE TO A CONFLICT OF INTEREST VIOLATIONS , ALSO VIOLATED DUE PROCESS RIGHTS BY THE INTENTIOAL , DELIBERATE ACTIONS OF CONFLICT /OF INTEREST BY JUSTICE ELIZABETH LACY , HER ASSOCIATE

JUSTICES , A CHRISTIAN COMPTON , RICHARD H. POFF, CHIEF JUSTICE LARRY L. CARRICO SITTING IN QUORUM AT A HEARING OF CASE OF HOLDING VS BROTHERS, ZOECKLER, PARTHUM, SILVERMAN , AND WATTS ON JULY 30, 1992 AND ON JULY 29, 1992 AND 3 OTHER ORDERS AUGUST 14,1992, 1 SEPTEMBER 18, 1992, 1 MARCH 17, 1992.ALSO CAUSED VIOLATION OF DUE PROCESS RIGHTS OF MR. HOLDING. MR. HOLDING CALLED ATTENTION TO THE COURT OF EXISTENCE OF CONFLICT OF INTEREST, YET THEY MADE 5 ORDERS AFTER BEING ADVISED. IT IS A VERY VERY SERIOUS VIOLAT ION AND OUR SYSTEM OF JUDGES AND JUSTICE ARE CORRUPT , LACK OF INTEGRITY, PATRONAGE, ILLEGALITY , BIAS, PREJUDICE PREVAIL . WE CAN NOT AFFORD NOR DO WE CONDONE THIS KIND OF JUSTICE.

MR. HOLDING URGES THE COURT TO UNEQUIVIOABLLY AND CATOGORICALLY TO AWARD THE PETITION AND JUDGMENT.

MR. HOLDING,S PETITION MEETS ALL THE CREDENTIALS AND SPECI AL REASONS THAT MEET ALL THE ELEMENTS OF RULE NO10.1 OF THIS COURT a. HAS SO FAR FOLLOWED THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS, BUT THE LOWER COURTS HAVE SO FAR DEPART ED FROM THE USUAL COURSE OF JUDICIAL PROCEEDINGS AND SANCTIONS, SUCH DEPARTURE BY THE LOWER COURTS, IN THE SUPREME COURT OF VIRGINIA AND THE CIRCUIT COURT OF WESTMORELAND COUNTY AS TO CALL FOR THE EXORCISE OF THIS COURT,S POWER OF SUPERVISION OF THIS COURT. WHEN THE JUSTICES KNOWINGLY , DELIBERATELY , INTENTIONALLY COMMITTED CONFLICT OF INTERESTS LAWS AND DUE PROCESS RIGHTS LAWS AND EVEN AFTER BEING CALLED TO THEIR ATTENTION PROCEEDED TO ISSUE 6 ORDERS AFTERWOOD IN UTTER DISREGARD OF [illegible] AND THE LAW

(b)THE SUPREME COURT OF VIRGINIA , STATE COURT DECIDED A FED ERAL QUESTION OF CONFLICT OF INTEREST AND DUE PROCESS LAWS, CERTAINLY NEEDS THE ATTENTION OF THE HIGH COURT . (c) THE CIR CUIT AND THE SUPREME COURT OF VA. AS SET FORTH IN ORDERS BEF ORE THIS COURT CERTAINLY SATISFY RULE 10, AND RULE 14.5 UNEQ UIVICABLY AND CATOGORICALLY .

THE DENIAL OF DUE PROCESS RIGHTS OF MR. HOLDING AND 6 OTHER QUESTIONS OF THE VIOLATIONS AND ERRORS FULLY SUPPORTED BY FAC TS AND LAW IN PLEADINGS AND OTHERWISE.

MR. HOLDING,S MOTION FOR JUDGMENT AND DAMAGES AND HIS AFFI DAVIT ON SEPTEMBER 3, 1991 PERFECTLY AND CLEARLY DRAFTED WITH NO PROBLEM IDENTIFYING THE SIGNIFICANCE AND CORRECTNESS WAS VE RY CLEARLY DONE.

JUSTICE ELIZABETH B. LACY AND ASSOCIATED JUSTICES COMPTON, JUSTICE POFF, AND CHIEF JUSTICE CARRICO FALLS WITHIN THE CON FINES OF AETNA LIFE INS CO. V. LAVOIE 475 U.S 813 (1986) ,BUT DOES NOT COME WITHIN THE CONFINES OF TUMEY V OHIO 273U.S. 510(1948) . JUSTICE LACY LEFT THE STATE CORPORATION COMMISSION OF VIRGINIA IN DECEMBER 31,1988. SHE JOINED THE SUPREME COURT OF VIRGINIA AS JUSTICE ON JANUARY 1, 1989 . THE PETITIONER HOLDING WAS INJURED BY THE DEFENDNNTSON SEPTEMBER 2, 1989 ONLY A FEW MONTHS AFTER SHE LEFT THE STATE CORPORATION OF VA. AND THE DEFENDANTS, BROTHERS, ZOECKLER, PARTHUM, SILVERMAN HER EMPLOYEES AT THE STATECORPORATION COMMISSION . .

IRREGARDLESS OF THE TIME FRAME JUSTICE LACY COMMITTED

AND THE ASSOCIATE JUSTICE, COMPTON, POFF, CARRICO COMFLICT OF INTEREST LAWS AND VIOLATED THEM AND ALSO VIOLATED THE DUE PROCESS LAWS OF MR. HOLDING,S .

JUSTICE LACY AND ASSOCIATE JUSTICE, COMPTON, POFF, CARRIC O VIOLATED THE JUDICAL CONDUCT LAWS, VIOLATED OATH OF OFFICE , VA.CODE SEC 49-1 (1989) , FAIRNESS, JUSTICE, IMPARTIALITY, AND SHOULD BE DISBARRED, FINED $500,000 , IMPRISONED FOR 30 YEARS WITH NO TIME OFF.

MR. HOLDING UNIEQUIVICABLE AND CATORGORICALLY DENY AS I REPEAT VIOLATION OF 14.5 OF THE RULES OF SUPREME COURT NO WAY. WHICH WAS SAID AND ENUMERATED EARLIER SEVERAL TIMES, REPETITI ON OF MS, PECK COUNSEL CAUSES THE REPITITION AND REDUCES THE BREVITY OF THE PETITION .

AGAIN , MS PECK COUNSEL FOR RESPONDANTS , BROTHERS ET AL FAILURE TO SEE BY HER LYING ABOUT CLEARNESS AND BREVITY, QUES TIONS FORTHE REVIEW PRESENTED, TOO NUMEROUS TO RECALL WANT MAKE IT SO. THE QUESTIONS FOR REVIEW ARE ALL VERY CLEAR AND CONCISELY PRESENTED AND THE FAILURE OF MS. PECK TO ADDRESS THE OTHER 6 QUESTIONS STANDS OUT FOR JUDGMENT TO MR. HOLDING.

THERE AGAIN MS. PECK COUNSEL FOR DEFENDANTS (RESPONDANTS) IS LYING STATING INACCURACIES ENVOLVED BY REFERENDE TO AND ARGUMENTS, CONCERING SEC 8.01-243 AND SEC 18.2 -499 AND 500 OF THE CODE . FORMER PERSONAL INJURIES NO MATTER WHAT THE THEORY MAY BE MUST BE BROUGHT WITHIN 2 YRS. FROM ACCRUSL DATE AND b. INJURY TO PROPERTY BROUGHT WITHIN 5 YRS FROM

SEC 18.2 -400 ,18.2-500 OF CODE IS CONSPIEACY . ACTION FOR INJURY BROUGHT WITHIN 5 YRS. OF VA.

MR. HOLDING HAS BEEN PERMAENTLY AND IRREPARABLE SUFFERED PERSONAL INJURIES ANF INJURIES TO PROPERTIES AND BUSINESSES, ESTATES, TRADES, INTEGRITY, CHARACTER , PERSONALTY BY THE CONPIRACY , CONDONE BY ALL, COLLUSION BY ALL , INTENTIONALLY, DEFINITELY BY THEIR WRONGFWL ACTS ON SEPTEMBER 2, 1989 .ASK FOR JUDGMENT.

REPLY BRIEF TO MADELINE T. WATTS OPPOSITION

MADELINE T. WATTS,S THE OTHER RESPONDANT JOHN W. WARE , COUN SEL. WATTS BRIEF IN OPPOSITION IS FALSE, ERRONEOUS, HALF TRUTHS, ITHOUT MERIT , WITHOUT FOUNDATION,BOLD FACE LYING BY HER COUNSEL JOHN W. WARE. THE CREDIBILITY IS QUESTIONABLE , THERE ARE NUM EROUS CLAIMS OF LYING AND PERJURY IN THE PAST AND FURTHER IN WATTS BRIEF OF OPPOSITION AND OTHER CIVIL ACTIONS WILL BE FILED. AS A RESULT,OF SAME.

ON PAGE 1 WARE WATTS COUNSEL STATES : THE AUGUST 14,1992 order of the Supreme COURT OF VIRGINIA , THE SEPTEMBER 18,1002 OF THE SUPREME COURT OF VA. ARE NOT REPORTED. MR. HOLDING WAS NOT NOTIFIED OR ADVISED AS ARE REQUIRED TO BE REPORTED , PR INTED , CODED , FILED FOR THE RECORD BY LAW , BY RULES OF SUP REME COURT , CONSTITUTION SO THEY ARE NUMBERED , EASILY BE LOCATED BY IDEX AO IF ONE WISHES TO APPEAL , OR REVIEW BE REDILY AVAILABLE. IT APPEARS THIS IS A DIRECT INTENTIONAL ATTEMPT TO CAST REFLECTIONS OR DEGRADE THE PETITION AND DEROG ATORY AGAINST MR. HOLDING WHICH HE TALES EXCEPTION .

ON PAGE ii TABLE OF CONTENTS WATTS COUNSEL WARE SAYS THE TRIAL COURT DID NOT DENY THE PETITIONER TRIAL BY JURY . HOL DING TAKE EXCEPTION AND SAYS UNEQUIVICALLY AND CATORIGORICA LY TRIAL BY JURY WAS DENIED IN THE TRIAL COURT , THOUGH IT WAS DEMANDED FROM THE BEGINNING ORALLY IN COURT AND BY MANY PLEADINGS AS GUARANTEED BY THE 7th AMENDMENT TO US CONSTIT UTION - WHERE THERE IS IN CONTROVERSET AT COMMON LAW SHALL EXCEE D TWENTY (20) DOLLARS , THE RIGHT TO TRIAL BY JURY. SHALL BE PRESERVED AND NO FACT TRIED BY JURY SHALL BE OTHERWISE BE REEX AMINED IN ANY COURT OF THE U.S THAN ACCORDANCE TO RULES OF COMMON LAW.

HOLDING TAKES EXCEPTION OF COUNSEL WARE STATEMENT JUSTICE LACY DID NOT HAVE A CONFLICT OF INTEREST PREVENTING HER FR OM RENDERING A FAIR TRIAL OF THE CASE. THIS IS ENTIRELY FALSE ERRONEOUS WITHOUT MERIT OR FOUNDATION. WITHOUT ANY BASES. .

JUSTICE ELIZABETH B. LACY CAME TO THE SUPREME COURT OF VIRGINIA ON JANUARY 1, 1989 AS JUSTICE FROM THE STATE CORP ORATION COMMISSION WHERE SHE WAS COMMISSIONER . SHE WAS AT THE STATE CORPORATION COMMISSION FROM 1985 UNTIL DECEMBER 31, 1988. THE RESPONDANTS-* BROTHERS , ZOECKLER , PARTHUM , SIL VERMAN WERE EMPLOYEES OF JUDGE LACY AND THE STATE CORPORATION COMMISSION .THE INJURIES COMPLAINED OF HAPPENED ON SEPTEMBER 2, 1989 A FEW MONTHS AFTER JUSTICE LACY LEFT THE COMMISSION. JUSTICE LACY WORKED WITH AND SUPERVISED THE RESPONDANTS BAILY. THEREFORE BY THIS ASSOCIATION JUSTICE LACY COMMITTED AND VIOL ATED THE CONFLICT OF LAWS AND DUE PROCESS RIGHT OF 14THAMEND

MENT TO US CONSTITUTION .

JUSTICE A. CHRISTINE COMPTON , JUSTICES RICHARD H. POFF, CHIEF JUSTICE/ CARRICO SITTING IN QUORUM AT A HEARING WITH JUSTICE LACY IN A HEARING AT THE SUPREME COURT OF VA. ON JULY 30, 1992 , JULY 29, 1992 , KNOWINGLY , DELIBERATELY , INTENTIONALLY AT THE HEARINGS AND MADE 6 ORDERS IN AUGUST 14,1992, SEPTEMBER 18,1992AFTER THEY WERE ADVISED THERE WAS A CONFLICT OF INTEREST AND VIOLATION OF DUE PROCESS THE COURT.CASE ON HEARING WAS HOLDING V BROTHERS ET AL AND WATTS.

LEWIS W. BROTHERS, JR. ET AL AND MADELINE T. WATTS DID-DEFIN ITELY , INTENTIONALLY , PLANNED IN COLLUSION A FULL BLOWN CON SPIRACY ON SEPTEMBER 2nd1989 COMMITTED THE ACT AS CHARGED BY THE AFFIDAVIT AND MOTION FOR JUDGMENT AND DAMAGES FILED ON SEPTEMBER 3, 1991. THE WRONGFUL ACTS OF THE RESPONDANTS DID PERMANENT IRREPARABLE PERSONAL INJURIES AS REVEILED IN THE ORIGINAL MOTION FOR JUDGMENT AND DAMAGES AND ORIGINAL AFFIDAVIT OF MR. HOLDING ON SEPTEMBER 3, 1991. AND HIS COMPANY.AND INJ URIES TO HIS BUSINESSES, PROPERTIES, TRADE, ESTATES, INTEGRITY CHARACTER IMPECCABLE AND SPOTLESS FOR 72 YEARS WITH 43 YRS OWNER AND OPERATOR OF AHIS BROKERAGE SECURITIES FIRM . WENT DOWN TO COMMONWEALTH ATTORNEY OF ESSEX COUNTY AT TAPPAHANOCK AND TO LIEUTENANT SS CLRK OF SHERIFF DEPT HAD MR. HOLDING ARRESTED ON $10,000 FELONEY EMBEZZLEMENT CHARGE. MR. HOLDING WAS IN THE HOSPITAL WITH HEART TROUBLE AND STRANGLING HERNIA OPERATION. THE CHARGE WAS DISMISSED ON RECOMMENDATION OF COM

MONWEALTH ATTORNEY GARRATT BY JUDGE HYDE OF THE GENERAL DISTRICT COURT ON JANUARY 11, 1990 .

SANCTIONS GRANTED BY THE TRIAL JUDGE WERE ERRONEOUS , WITHOUT MERIT, WITHOUT TRUTH, OR FOUNDATION , NOT JUSTIFIED CONTRARY TO LAW AND ORDER AS TO SEC 8.01-271.1 PLEADING IN GENERAL . WARE COUNSEL FOR WATTS MADE THE SAME PLEADING OF SEC. 8.01-2711 ON 12/12/91 RECEIVED FALSELY $250 1/6/92, 3/6/92 RECEIVED $500 ILLEGALLY , WRONGFULLY .

JOHN W. WARE , COUNSEL FOR WATTS CRIMINAL RECORDS , , CONVICTIONS, MEDICAL HISTORY , EDUCATION ARE NOT INCLUDED IN THIS REPORT.

WATTS COUNSEL JOHN W. WARE FALSE STATEMENT THAT HOLDING ATTEMPTS TO INTRODUCE EVIDENCE NOT A PART OF THE RECORD MIS LEADING AND INACCURATE IS A BOLD FACED LIE BY WARE AGAIN TRYING HIS LYING TO WIN NO BASIS WHATSOEVER . . THE EVIDENCE SUBMITTED IS UNEQUIVIBLY , CATOGORICALLY TRUE.

MR. HOLDING VERY CLEARLY AND CONCISELY SETS FORTH IN HIS MOTION FOR JUDGMENT AND DAMAGES AND HIS AFFIDAVIT THE INTENTIONAL , DELIBERATE PLANNED CONSPIRACY WITH C OLLUSION CONSPIRACY OF THE RESPONDANTS DID PRODUCE PERMANENT IRREPARABLE PERSONAL INJURIES AND INJURIES TO HIS BUSINESS PROPERTIES, ESTATES, TRADE WHICH CAN NEVER BE FIXED OR CURED. AND SUFFERINGS.

MRS. WATTS DID MAKE A STATEMENT UNDER OATH CHARGING MR. HOLDING WITH EMBEZZLEMENT TO IT SO CLAIMS

AND COMMONWEALTH ATTORNEY GARRATT ACCOMPANYED BY PARTHUM, AND SILVERMAN IS ON RECORD.SIGNED STATEMENT NOTORIZED BY PARTHUM AND SILVERMAN .

THE TRIAL JUDGE REFUSED TO SIGN THE STATEMENT FOR THE RECORD BECAUSE IT WAS RECEIVED ON 2/6/92 WHICH WAS DUE 2/5/92 THE RESONS WHY WAS,MR. HOLDING HAD BEEN SICK WITH BAD CASE OF FLU FOR 3 WEEKS , THE WEATHER WAS FRIDIG , THE DOCTORS ORDERS WERE TO NOT GO OUT IN THE FRIDIG COLD WIRH HITH THE FLU AND ACUTE HEART TROUBLE. SO MR. HOLDING MAILED YJE STATEMENT IN ON THE 2/5/92.THE TRIAL JUDGE NEVER READ THE STAEMENT AND DIDN,T KNOW WHY I WAS BEFORE THE COURT ON 2/20/92 AND HE HAD 2 LARGE CASES , CRIMINAL AND CIVIL AND SANDWICHED ME IN DURING RECESS.

MR. HOLDING PETITION MEETS ALL THE "SPECIAL AND IMPORTANT, REASONS" STANDARDS ENUNERATED IN RULE 10.1 OF THE RILES OF THE SUPREME COURT.AND THE PETITION SHOULD BE GRANTED AND JUDGMENT.

THE DUE PROCESS RIGHTS WERE VIOLATED IN THE TRIAL CORRECT MANY TIME AS ENUMERATED AND IN THE SUPREME COURT OF VA.

MR.HOLDING RAISES SEVERAL FEDERAL QUESTIONS OF WHICH ARE VERY VERY IMPORTANT LIKE JURY TRIAL , CONFLICT OF INTEREST AND SO FORTH .

WARE HAS LIED SO MANY TIMES HE HS FORGOT WHAT HE HAS LIED ABOUT AND I HAVE LOST THE COUNT.

THIS CASE IS A DELIBERATE, INTENTIONAL , WITHOUT REMORSE

OR CONCERN AS TO HOW MUCH INJURIES MR. HOLDING SUSTAINED. OR THE COLD BLOODED MANNER OF A PLANNED CONSPIRACY WITH COL LUSION FULL BLOWN AND WHEN ASKED WHY THEY DID IT REPLIED THAT ,S WHAT THEY WERE SUPPOSED TO DO WITH ARROGENCE , AND LAUGHING WHILE MR. HOLDING WAS IN THE HOSPITAL FOR AN OPERATION AND HEART TROUBLE. THE DELIBERATE , INTENTIONAL , WRONGFUL ACTS OF THE RESPONDANTS INFLICTED PERMANENT , IRREPARABLE PERSONAL INJURIES AND INJURIES TO PROPERTIES, BUSINESSES, TRADE, ESTATES, INTEGRITY, CHARACTER WHICH HAS BEEN IMPECCABLE AND SPOT LESS. INJURIES THAT CAN NEVER BE FIXED OR REPAIRED.

HOLDING IS ENTITLED TO APPROVAL OF THE PETITION AND JUDGMENT.

MR. HOLDING HAS SUFFERED GREAT INJURIEIS BITH PERSONAL AN ND TO HIS PROPERTIES AT THE HANDS OF THE RESPONDANTS AND THEY DONT CARE .

CONFLICT OF INTEREST AND DUE PROCESS WERE VIOLATED IN THE SUPREME COURT OF VA, BY JUSTICE LACY , JUSTICE COMPTON , JUSTICE POFF, CHIEF JUSTICE CARRICO . 14th AMNEDMENT.

VIOLATION OF TRIAL BY JURY 7th AMENDMENT .

VIOLATION OF PREJUDICE , BIAS , , INJUSTICE IN THE TRIAL COURT AND DUE PROCESS RIGHTS. .

THE RECORD SPEALS VERY LOUDLY AND TRUTHFULLY, THE INJUST ICE DONE MR. HOLDING INTENTIONATELY AND DELIBERATELY.

THE PETITION SHOULD BE APPROVED WITH JUDGMENT.

REPECTFULLY SUBMITTED,

Clarence Houston Holding

CLARENCE HOUSTON HOLDING ,

COUNSEL FOR PETITIONER PRO SE.

Clarence Houston Holding
CLARENCE HOUSTON HOLDING
ROUTE 1 BOX 2
MOUNT PLEASANT PLANTATION
HAGUE, VIRGINIA 22469
804 472 2026

COUNSEL FOR PETITIONER, PROSE

CERTIFICATE OF SERVICE

I CERTIFY I SENT POSTAGE PAID FIRST CLASS COPIES OF THE REPLY BRIEF ON FEBRUARY 8,1993.

Clarence Houston Holding
CLARENCE HOUSTON HOLDING